

T H E
O R A T I O N S

O F

Marcus Tullius Cicero, *κ*

Translated into ENGLISH,

W I T H

NOTES Historical and Critical,

A N D

ARGUMENTS to Each;

By WILLIAM GUTHRIE, *Esq;*

In THREE VOLUMES.

The SECOND EDITION.

In which the TEXT has been carefully revised and
corrected; with Additional NOTES.

*His ego centenas ausim deprecere voces;
Ut, quantum mihi te sinuoso in pectore fixi,
VOCE traham PURA; totumque hoc verba resignent,
Quod latet arcanâ, non enarrabile, FIBRA.*

PERSIUS, Sat. v.

L O N D O N :

Printed for T. WALLER, at the Crown and Mitre
in Fleet-Street, 1745.

ORATIONS

MARCUS TULLIUS CICERO

Translated into English

WITH

Notes Historical and Critical

AND

A R C H I V E S

By WILLIAM GUTHRIE, ESQ.

IN THREE VOLUMES

The Second Edition

In which the Text has been carefully revised and corrected; with Additional Notes

His contents are as follows:—
Ut, quantum visis, in hunc modum
Vox traham pura; utque per verba regant,
Quod late auctor, non sententia, ferat.
Psalms, Sal. v.

L O N D O N

Printed for T. WALLER, at the Green and Milk
in Fleet Street, 1745.

THE
ORATIONS
OF
CICERO,

Translated into ENGLISH.

VOL. I.
CONTAINING
The ORATIONS

For MILO.

Against CÆCILIUS.

For ARCHIAS the Poet.



For the MANILIAN Law.

For MARCELLUS.

For LIGARIUS.

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VOL. I

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For Milo.
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For Manilius.
For Ligarius.
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For Publius Clodius.

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PREFACE

TO THE

ORATIONS,

By the TRANSLATOR.



Believe there is now very little Doubt with Men of Sense and Discernment, that the Antients were both our Masters and Superiors in those Arts of which any Specimens have survived the Injuries of Time and Barbarism. The Monuments of their Sculpture, their Drawing, their Architecture, and their Poetry, that have come to our Hands, are, to any but a Bigot, so many incontestable Proofs of this. The Partiality, however, of late Times has, in some very
B few

few Instances of these Arts, set up Rivals to them among the Moderns, who, if we were to admit the Assistance they borrowed from their Predecessors, as the Effects of their own Genius, seem to leave the Palm doubtful. But the Prize of Eloquence has, I think, remained undisputed with the Antients; *true Eloquence* being the only Art, the Practice of which never survived *Liberty*. Tyrants have in all Ages and Nations been known to encourage other Arts, because in them they found their *Vanity* agreeably fed, their *Passions* soothed, their *Inclinations* flattered, their *Manners* recommended, their *Virtues* exaggerated, and their *Faults* disguised. Perhaps *Ambition* itself had a great Influence in recommending all other Arts to their Protection and Encouragement, since the most refined Degree of this Passion, is that of having their Characters and Persons transmitted to Posterity, in such Lights as might dazzle and amuse the Mind, which might otherwise be busied in exploring
the

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the Crimes by which they acquired, or the Inhumanity with which they exercised their *Power*. Thus we find the Names of the worst of Men become familiar, nay, pleasing to the Ear, when mingling with the bewitching Harmony of Poetry; and the Persons of those, who have been the *Detestation* of their own Age, become the *Delight* of a succeeding, when transmitted on the Medal, or the Marble wrought by an intelligent Artist.

But true Eloquence is built upon the *Love of Liberty*; to attain it, the Mind must possess itself of a Consciousness, that the Tongue labours for the Glory and Happiness of Mankind, and that both, in a great Measure, must redound to the Orator himself. Without this Consciousness, the Expression may be *just*, the Disposition *artful*, and the Conclusion *rational*; but still it must be void of the *Spirit* and *Strength* that characterize a *Demosthenes* or a *Cicero*. One may easily conceive what a noble Pride these great Men must have *felt*,
B 2
while

while furrounded by a whole People, whose Reason, Passions, and Wishes were guided by their Tongue, and controuled by their Action.

What a disadvantageous Comparison must this Idea create in the Mind, betwixt either of these Orators, and those who have succeeded them? The latter employed their Art in the Praises of some one Man or other; which, however merited, are incapable of communicating to the Reader the same Sentiments as that of an Orator speaking in an Assembly, where in *Liberty* he is equal, and in *Dignity* perhaps superior to all who hear him. Hence proceeds that *commanding Power* which *Cicero* retains, when speaking even before *Cæsar*, in the two celebrated Speeches which the Reader will find in the first Volume of this Translation, I mean that for *Marcellus*, and that for *Ligarius*: In the former, every Compliment he bestows on the *Personal*, is a *Blow* upon the *Political* Character of that great Man. In the other, he has
left

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left it doubtful, whether he has not called him, tenacious and jealous of Power as he was, an *Usurper* to his Face. Thus we find, that *Cicero* could still, though before *Cæsar*, retain that Dignity of Thought and Expression, which became habitual, while his Power and Eloquence were honoured and supported by the highest Distinctions which his Country could bestow.

This is the true Reason, why we must despair of ever seeing an Orator equal to *Cicero*, unless we were to see a State equal in Freedom and Dignity to *Old Rome*, while her Constitution was unviolated.

They, who are acquainted with the *Roman* History, are sensible of how much Efficacy *Eloquence* was towards their great Man rising into Power, and how necessary for protecting and defending themselves and their Friends after they had attained it. Even their *Military* Glory was but second to their *Forensian*, since it was chiefly by the latter, that they could hope to rise to

the former. Hence it was, that the Men of Quality in *Rome* were so universally learned in those Arts and Sciences which enter into the Composition of a good Orator, and which almost comprehend the whole Circle.

Grammar, which is generally looked upon as the first, was indispensably necessary for their Speaking with Correctness. Without a Knowledge of HISTORY, especially that of their own Country, they never could have reasoned from Precedents, which in all Causes has such decisive Weight. LOGIC, and the Arts of *Ratiocination*, were absolutely necessary towards the Arrangement and Disposition of their Discourse. Without the Study of POETRY, and even a Mixture of *Poetic Genius*, they never could have touched the Passions, and communicated Delight: Even the Knowledge of PAINTING and SCULPTURE is necessary towards attaining that Justness of Action, which was so very successful in Addresses to a popular Assembly; and the

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the Study of the proper Attitudes, we find, made a considerable Part of Knowledge in a finished Orator, as well as Actor. The simple moving MUSIC of the Antients could not but be of infinite Advantage, in forming the Voice to a proper Modulation, and a fine Ear is perhaps necessary for the happy Disposition of the Periods. Thus Eloquence seems to combine more Arts than any other Study, and its Powers, when exerted to Perfection, we have Reason to believe, had the united Effect of them all.

I shall not pretend to prove this from Instances which occur almost in every Page of the Histories of *Greece* and *Rome*; I shall only make a general Observation, which it may be of the utmost Consequence for the Reader to carry in his Eye, if he would form a just Idea of our Author's Merit as an Orator, when compared to *Demosthenes*, and the other great Masters of that Art.

The Moderns, especially the *French*,
B 4 have

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have fallen into a common beaten Topic of comparing the Characters of these two great Men together, and generally proceed upon a Parallel of their Personal Qualifications. But, when we enter into that Disquisition, Personal Accomplishments ought to be the very last Thing that should come within our View. We are first to consider for what End they spoke, and what was their Success. The chief End which both laboured at, was to *convince*. But whom? Here lies the great Foundation for forming a just Character of those two great Fathers of Eloquence. The one was to convince the People of *Athens* where every Man had within himself that pure Reason, and that exquisite Harmony, which in *Rome* they required and expected from the Orator. The *Romans* had Passions, but, like Fire within Flint, they were to be struck out, by the commanding Power of the Orator: They had Apprehension, but it was slow, and required to be awakened by the Touches of
of

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of his Art. The *Greeks*, on the other hand, found their Passions touched, and their Understandings informed by almost every Object that presented; they naturally had a Sensibility, of which the *Romans* were void, and a Quickness of Discernment, of which there has since their Days been no Instance. Among such a People, an Orator, in order to *convince*, must have been ridiculous to have applied any other Engine but Zeal animated by Truth, or at least its Appearances. Every Man who heard him could easily see through all other Arts, and perhaps was as much Master of them as he was himself.

This Consideration is the true Criterion by which the *Merits* of *Demosthenes* and *Cicero* ought to be tried. We are to consider, whether it required the greater Talents to *convince* a People, who to good Sense joined an exquisite Quickness of Apprehension, which was connected with the most extensive Penetration; or a People who had indeed good Sense, but slow, phlegmatic, confined,

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fin'd, and whom the Art of the Orator was to supply with all these Means and Assistances for quickening their Apprehension and enlivening their Passions, which the other People derived from other Studies and Objects. This I believe, from our Observation in common Life, will scarce admit of a Doubt; for when two Propositions are equally true, and a Decision founded on them equally difficult to be formed, it will require much less Art or Abilities to convince and determine a Man of a Character such as I have describ'd the *Athenians*, than to do the same by one who shall resemble, in his Character, that of the *Romans*.

From this Consideration I can have no manner of Doubt in preferring the Eloquence of *Cicero*, as an Orator, to that of *Demosthenes*. In the Comparison betwixt the two formed by *Quintilian*, “ *Demosthenes* is said to be more
 “ compacted, *Cicero* more copious; the
 “ one hems you close in; the other
 “ fights at Weapons Length; the one
 studies

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“ studies still, as it were, to pierce by
“ the Keeness; the other to bear you
“ down with the Fulness, and the
“ Weight of his Discourse; in the one
“ there is nothing that can be curtailed,
“ in the other, nothing that can be ad-
“ ded; the one owes more to Applica-
“ tion, the other to Genius.

“ But in the Witty and the Pathe-
“ tic, which so strongly sway the Af-
“ fections, the *Roman* excels.

“ But *Cicero* must in one Thing
“ yield to *Demosthenes*, who lived be-
“ fore him, and formed great Part of
“ the *Roman* Excellency: For to me
“ it appears, that *Cicero*, applying him-
“ self entirely to the Imitation of the
“ *Greeks*, united, in his Manner, the
“ Force of *Demosthenes*, the Copious-
“ ness of *Plato*, and the Sweetness of
“ *Isocrates*: Not only did he extract
“ what was excellent in each of these,
“ but, by the divine Pregnancy of
“ his own immortal Genius, he found
“ the Means to produce out of *himself*,
“ most, or rather all their characteri-
“ stical

“ stical Beauties: For (to use an Ex-
“ pression of *Pindar*) he does not fer-
“ tilize his Genius by making a Col-
“ lection of the Waters that fall in
“ Rain from the Clouds; but, formed
“ by the kind Indulgence of Provi-
“ dence, he pours along in a resistless
“ Flood, that Eloquence may make an
“ Experiment of all her Powers in his
“ Person.”

“ For, who can teach more instructive-
“ ly, or who can move more strongly?
“ Did ever Man possess such Sweetness,
“ as to make you believe that you resign
“ with Willingness what he wrests by
“ Force! And tho’ the Judge is borne
“ down by his Power, yet he feels not
“ that he is forced along, but that he
“ follows with Pleasure. Nay, such
“ is the commanding Character of all
“ he says, that you are ashamed to dif-
“ fer from his Sentiments: He is not
“ distinguished by the Zeal of a Coun-
“ cil, but brings the Conviction of
“ whatever a Witness or a Judge can
“ say. Yet in the mean time all these
Excellencies,

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“ Excellencies, which in others are the
“ laborious Acquisitions of intense
“ Application, appear in him the easy
“ Flow of Nature; and his Eloquence,
“ though exquisitely and beautifully
“ finished, appears to be but the happy
“ Turn of Genius.

“ It was therefore not without Reason,
“ that by his Contemporaries he
“ was said to be the Sovereign of the
“ Bar; but, with Posterity, his Reputation
“ arose so high, that the Name
“ of *Cicero* appears not now to be the
“ Name of a Man, but of Eloquence
“ herself: Let us therefore keep him
“ in our Eye; let him be our Model;
“ and let the Man who has a strong
“ Passion for *Cicero* know that he has
“ made a Progress in Study.”

This beautiful Passage I have thought
fit to translate, because some Critics
pretend, that *Quintilian* has left the
Preference betwixt *Cicero* and *Demosthenes*
doubtful. As to the Preference
of Genius, I shall not presume to deter-
mine

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mine any Thing, but if we consider the Writings of both, as they have come to our Hands, without regarding any Thing else, I think it is plain, that *Quintilian* has given it without the least Reserve for the *Roman*.

Having said thus much of my Author's, it remains, that I should give some Account of my own Performance.

The Difficulty of translating the Oration of *Cicero*, may to an *English* Reader appear from this; that, though they have been often attempted by some of the most learned Men of a neighbouring Nation, yet I will venture to say, that there is not a single Page in all the Translations, that have been published in *French*, in which the Sense has not either been grossly misunderstood, or intirely sunk. If, therefore, an *English* Reader, who is Master of *French*, shall find, in the following Translation, almost thro' every Page many and material Passages translated different from what he has seen in the *French*, all the Favour I beg is, that he would first enquire

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quire before he shall condemn either Side.

But there remains still a stronger Proof of the Difficulty of this Undertaking. Scarcely any Work of the Antients, that has come to our Hands, has had greater Men employed in illustrating the Meaning, and fixing the true Reading of the Original, than the Oration of *Cicero* have had; yet the one is still more undetermined, and the other more uncertain, than any Thing we meet with in all Antiquity. To descend to an Account of the particular Annotators upon this great Work, and what they have severally performed, is far from being my Intention at present; it is sufficient, if I inform the Reader of a Fact, which, if ever he himself shall make the Experiment, he will find to be Truth; and that is, that, in all the laborious doubtful Task I have now gone thro', I never found the least Assistance from any Commentator, except, and that but very seldom, from *Abramius*, who is the only one who seems
to

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to have read and studied our Author in the Character of an Orator, a Statesman, and a Man of Sense. The Altercations which the other Commentators, to the Number of about twenty-five or twenty-six, have fallen into are so confounding and perplexing, the Manner in which they treat one another is so void of Decency and good Breeding, that one would almost forswear the Pleasure which the Orations give him, rather than wade to their Meaning, thro' such a Mire of Pedantry and Dulness as must lie in his Way, if he can come at it by no other Means than by their Annotations. It is true, that we meet, in the Course of their Performances, some valuable Pieces of Learning; but a Man must make a very poor Figure, who shall attempt to translate *Cicero*, if he is ignorant, before he applies to them, of whatever he may find in them, that is really for his Purpose. The principal Assistance, therefore, which I have had among the Moderns in helping me to the true Sense of *Tully*,

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ly, were from those Authors who treat of the Civil Law, and the Manners and Customs of the *Romans*.

These must be studied, before a Man can translate an Oration of *Tully*, and it is by an Acquaintance with them alone, that a Translator can unfold the amazing Erudition and delicate Allusions, which occur almost in every Page of my inimitable Original. This I have endeavoured after, and have found myself, in numberless Passages of the following Work, to deviate from the Sense, adopted by the Commentators. It may be expected, that I should give my Reasons for such Deviations; but if I were, the Discussion would swell to a much larger Book than the Text itself. This was indeed my Intention, but, I found the Matter rise so prodigiously upon my Hands, that I chose to throw myself upon the Candour and Discernment of my learned Reader, who alone is capable of entering into any such Discussion, and who, I hope, after an impartial and

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thorough

thorough Enquiry, will justify most of the Liberties I have taken.

But hitherto, I have touch'd only upon the smallest Difficulty and Discouragement, I met with in attempting the following Work. To understand the Meaning of the most obscure Author, if he has any Meaning, is what any Man of tolerable Sense and Knowledge of the Language, with great Application, may effect. But to preserve the Turn, to even improve upon the Manner, to breathe the Spirit of an Original, is what no Application can compass, no Learning communicate; though it ought to be the indispensable, the chief Character of a Translation. But it must be own'd, that few, very few Translators have ever attained, tho' almost all of them have attempted this Excellency. Their Want of Success can never be imputed to their Want of Knowledge, in the Language they translated from; since some of the best Critics in the dead Languages, both in *England* and other Parts of *Europe*,
have

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have attempted to translate the Works of some one or other of the Antients, and in the Execution have succeeded no better, often not so well as Translators of but a very small Share of Classical Learning.

Nor can their Want of Success be owing to their not having a competent Knowledge of the Language in which they themselves wrote. For we have, in our own Country, several Instances of our best, and most pure Authors, who have excelled in every other Species of Writing, and when they have attempted the Translation of a good Classic, have fallen miserably short of their own Characters.

The Reader will pardon me if I say farther, that it is not even the Want of Genius, that has occasioned the bad Success of Translators. For, tho' a Writer may have Genius, yet it is the habitual Acquaintance with that Manner which characterises his Original, that alone can give him any Success in his Attempts to translate. This is the real

Source of all those Defects, and all that Poorness which appears in most of our modern Performances, when placed by their great Originals. It is *living Manners* alone that can communicate the Spirit of an Original, which, tho' it is not the only, yet it is an indispensable Excellency of a good Translator.

But I can easily perceive, that my Reader, by this Time, thinks I have advanced a very strong Argument, why the Translation of no Antient should be undertaken, far less an Ancient, whose Station and Dignity in Life was once as exalted as his Fame and Character in Writing is now; since it is impossible for any Man alive to enter into those Scenes of Life, which, while he was alive, distinguished his.

But I am far from meaning, that one is to live over the Life, and enter into the same Pursuits that engaged his Author. It is sufficient if he has made it his Business to be as conversant as he could in that Study and Manner which comes the nearest to what we may suppose

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suppose his Author, were he now to live, would pursue, and in which he would shine. Without this, a Man can no more enter into the Spirit of his Original, than he can write the Description of a fine Rural Prospect, without ever leaving the Smoke and Streets of a crowded City.

It remains now that I should account for the Assistances of this kind which I have received. This, perhaps, may not be so easy, for it will be very difficult to fix upon any Profession of Life, in which a Man, with all the Affiduity and Application in the World, can be of any Assistance towards his succeeding in imitating the Manner of a *Roman* Consul and Orator.

So far as I have been able to observe, the Orations of *Cicero* may be divided into three Sorts, *viz.* Those which he pronounc'd as a Magistrate, as a Senator, and as a Counsel. In each of those, it is easy to discern, that a separate Character predominates; as a Magistrate, *Authority*; as a Senator, *Freedom*;

Freedom; and as a *Counsel*, *Art*; yet in each, all the three Characters are so blended, that notwithstanding the favourite Predominancy, each has its full Effect.

But besides the Difficulty of entering into that Manner in a Translation, even when one has the utmost Command of Language, there is another great Disadvantage which the Translator must labour under, which is, the different Character of the Assemblies, where *Cicero* pronounced his Orations, from that of any Assembly which now exists.

If we consider the Eloquence of the Pulpit, as practised here in *England*, it is quite different from the *Forensian*. In other Countries, indeed, where a more declamatory Manner is indulged and successful, the Language of a *Roman* Orator, in a few Instances, may become the Mouth of a *Christian* Preacher. There, a Latitude is granted in the free Use of the boldest Figures in speaking; the Passions are principally

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principally addressed to, and the Whole of the Speaker's Art consists in the *Pathetic*. But this is far from the *cool*, the *close* Method of Preaching, that obtains in *England*; where the Speaker principally applies to convince the Reason, and to improve the Understanding, divested of all the Boldness of Figures, void of all the Emotions of the Enthusiasm, which enters into that Manner that is proper to move a popular Audience: Yet, after all, it is very possible for a Preacher, who hath thoroughly studied *Cicero*, to adopt one Species of his Pleading to the Pulpit with great Success. This is what one or two of the *French* Preachers have done, and have thereby acquired great and merited Esteem.

The next Species of Eloquence, which seemingly can be of Use to a Translator of *Cicero's* Orations into *English*, is that of the Bar; but here he receives, if possible, still less Assistance than from the Pulpit. The Laws, by which *Roman* Causes were decided,

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were few, plain, short, and sometimes so indefinite were the Terms in which they were conceived, that a great deal was left to the Art of the Pleader, and much to the Will of the Judge: Add to this, that most of the Terms introduced were vernacular, and in Use, so that their Pleading was not technical, but familiar. I need not say how much the Reverse of all this is the Practice in *Westminster-Hall*, where Knowledge and Experience can baffle the purest Language, the most beautiful Figures, the most artful Disposition, and the most exquisite Genius that can appear in any Pleading: Nay, I may venture to say, that were *Tully* to plead in the *English* Language, and in his own Manner, in *Westminster-Hall*, however his Eloquence might be admired, his Success would be but very indifferent.

It is, therefore, from the Language practised in an Assembly, wherein every Member is a Senator, constitutionally equal in Voice, in Freedom, in Dignity: An Assembly, neither subjec-
ted

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ted to controlling Power, nor tied up to technical Terms : An Assembly, where Freedom of Debate is the principal Privilege ; where every Member is at Liberty, while he decides as a Judge, to speak as a Counsel : An Assembly, to whose Cognisance Matters of Property and of Government are equally subjected. It is, I say, the Language of such an Assembly only that can be adapted to the Translation of an Author who speaks in the Character of a Senator, a Magistrate, and a Counsel.

But tho' it is owing in a great Measure to the Constitution of our Government, that such a Language is used in the two Houses of Parliament, as might become a *Roman* Senate, or a *Roman* Forum, yet this of itself had been insufficient for my Purpose, were there not now some Members of both, whom *Cicero* himself, were he alive, would hear both with Delight and Jealousy. It was by possessing myself strongly, in what Manner one or other
of

of these great Men would express the same Thought in *English*, before a *British* Senate, that, if I can boast of any Success in the following Translation, I have succeeded.

It remains that I should say somewhat with regard to the Conduct of the Work itself. Every Reader, no Doubt, will be struck with the Orations not being published, in the Order in which they lie in the Original. The true Reason why they are not, is, because my Intention, at first, was only to have published the three first, which he will find in the first Volume of the following Translation: But the Partiality of some Gentlemen, whom I imagine to be Judges, gave me Encouragement, after the three first were printed off, to go on with the others. Besides, as the Subject of every Oration is independent of another, the Order in which they are here placed, can be very little Inconveniency or Loss to the Reader. As to those Orations in which the Subject is the same, such as those against
Verres,

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Verres, Catiline, and Antony, they come successively in the Translation, as in the Originals.

The Notes, which are at the Foot of every Page, I at first designed to have been much larger than they are; but finding them to swell to an unmeasurable Size, I thought it was best to abridge them, to the Conveniency of the Reader. For this Purpose, I have taken nothing into them, but what is absolutely necessary for clearing my Author's Meaning, as it appears in this Translation.

After what I have already said with regard to the Perplexity and Uncertainty, which occurs in almost every Page of the Text, nay, in every ten Lines, it would be the Height of Presumption, should I not own, that in many Places, I am doubtful if I have hit the Meaning of my great Original; and but in too many, I am sensible, it may be improved even by myself, upon a farther Review. The prodigious Application and Uncertainty of consulting

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ing *Authors, Lexicons, Historians, Commentators, &c.* often for four or five Days, before I could fix the Meaning of three Lines in my Original, will be a Plea for the Inaccuracies of the Press; one Passage requiring sometimes to be so often altered or amended, that it was impossible to prevent many **Typographical Errors** from creeping in.



THE improved even by myself, upon a farther Review. The prodigious Application and Uncertainty of consulting



T H E
O R A T I O N S
O F
C I C E R O.

[That the Reader may have all the Light he possibly can into the Subject of the Oration for MILO, I have thought proper to present him with the Argument of Asconius, as translated and sent me by a Gentleman.]

The ARGUMENT of *Asconius*.



ANNIUS MILO, P. Plautius Hypsæus, and Quintus Metellus Scipio, stood for the Consulate, not only by profuse and publick Corruption, but also environ'd with Parties of armed Men.

B

MILO

MILO and *Clodius* were inveterate Enemies ; because *Milo*, being the determin'd Friend of *Cicero*, had used his utmost Endeavours to get him recalled from his Banishment ; and *Publius Clodius*, bearing a mortal Hatred to him, upon his Return to *Rome*, warmly espoused the Interests of *Hyppæus* and *Scipio*, in opposition to *Milo*. The Enmity between these two ran so high, that their Factions came often to Blows, within the City, with an Audaciousness that was on both Sides equal ; but *Milo* always stood up in Vindication of the right Cause.

BESIDES, in the same Year, *Milo* stood for the Consulate, and *Clodius* for the Prætorship, but *Clodius* thought its Power would be abridg'd by *Milo's* being Consul ; and the Meeting of the Court, for the Election of Consuls, had been long adjourn'd, and render'd impracticable by reason of the fierce and bitter Contests between the Candidates ; which occasioned that there were neither Consuls nor Prætors elected even so late as the Month of *January*, the Day of Election being still put off.

IN this Situation of Affairs, *Milo* endeavour'd to procure a Meeting of the *Comitia* as soon as possible, and was upon the Point of suc-

succeeding; for he had not only the good Wishes of all virtuous Men who opposed *Clodius*, but likewise of the Populace itself, who caressed him on account of his Largeesses, and the vast Expence he had been at in entertaining them with Plays and Shews of Gladiators; on which, *Cicero* says, he had squander'd away no less than three Estates. But his Competitors endeavour'd to put off the Day appointed for this Purpose as long as they could; and therefore *Pompey*, Son-in-law to *Scipio*, and *Titus Munatius*, a Tribune of the People, would not suffer an Address to be made to the Senate for assembling the Patricians, in order to create an *Interrex*, which was customary upon Occasions of the like Nature.

On the 13th of the Calends of *February* (for I think the Registers and the Oration itself agreeing with them are more to be rely'd on than *Fenestella* who fixes it on the 14th) *Milo* went to *Lanuvium* (of which he was a Citizen, and at that Time Dictator) in order to create a Priest next Day. About three in the Afternoon, *Clodius*, in his Return from *Aricia*, meets him a little on the other Side of the *Bovilla*, and nigh the Place where the Temple of *Bona Dea* stands. *Clodius* was on Horseback; his Retinue consisted of about thirty Slaves with Swords, and every way prepared for an Attack,

which was the usual Way of travelling in those Days. Besides these, *Clodius* had three Companions, one a Roman Knight, named *Caius Cassinius Scola*; the other two rais'd from the Plebeian to the Equestrian Order, viz. *P. Pomponius*, and *Caius Clodius*; *Milo* was in a Chariot, together with his Wife *Fausta*, the Daughter of *Lucius Scylla* the Dictator, and *Marcus Fufius* his intimate Acquaintance. He was attended by a great Number of Servants, some of them Gladiators, and two of them particularly famous in that way, viz. *Æudamius* and *Birria*; who, walking slowly in the Rear, happened to enter into a Quarrel with the Servants of *Clodius*. *Clodius* turning about with a stern and menacing Air to behold the Fray, *Birria* run him thro' the Shoulder with a Tuck. The Riot increasing, *Milo's* Servants ran up to the Assistance of their Companions, and *Clodius* being wounded was carried into a Tavern near the *Bevilla*. *Milo* hearing that *Clodius* was wounded, and thinking that it might prove dangerous, if he should live to resent it, but that his Death would give him great Satisfaction, even tho' he should be punish'd for it, ordered the Tavern to be broke open. *Marcus Fustenus* was the Ringleader of *Milo's* Servants: And *Clodius* attempting to conceal himself was dragg'd forth, and kill'd with repeated Stabs. His Body was left on the Highway,

way, because his Servants were either slain, or, being wounded, took care to conceal themselves. *Sextus Tedi*us, a Senator, who by chance, as he return'd from the Country, took it up, ordered it to be carried to *Rome* in his Litter, and return'd instantly. The Body reach'd *Rome* before the first Hour of the Night; a great Multitude of Servants, and of the lower Class of People flocked about it, and mourn'd over it, when lying in the Court before the House. What still heighten'd the Horror of the Deed, was his Wife *Fulvia*'s exposing his Wounds to the publick View, in all the Agony and Action of Grief. By the Dawn of the next Day, a greater Multitude of the same Kind assembled, and many Men of Note were squeezed to Death, among whom was *Caius Vibienus* a Senator. The House of *Clodius* was a few Months before bought of *Marcus Scaurus*, and stood on the *Palatine Mount*; *Munatius Plancus*, Brother to *Lucius Plancus* the Orator, and *Quintus Pompeius Rufus*, (Grandson to *Sylla* the Dictator by his Daughter) Tribunes of the People, quickly repaired thither; and by their Instigations the thoughtless Mob was prevail'd upon to convey his Body (stript of every thing save Shoes, just as it lay in the Bed) into the Forum, and place it on the *Rostra*, that so the Wounds might be the better seen. There *Plancus* and *Pompey*, *Milo*'s Enemies, made in-

vective Speeches against him, while the People, under the Conduct of *Sextus Clodius* a Scribe, brought the Body of *Clodius* into the *Forum*, and burnt it with the Desks, Seats, Tables, and Books belonging to the Clerks; by which Fire the Court itself was burnt, and the *Porcia Basilica* adjoining to it damaged. The same Mob' favouring *Clodius*, beset the House of *Milo*, then absent, and of *Marcus Lepidus* the *Interrex*; but they were beat off with Arrows. Upon which, having snatch'd the Fasces from the Bed of *Libitina*, they carried them to the Houses of *Scipio* and *Hypsaëus*, then to the Gardens of *Cneius Pompeius*, proclaiming him sometimes Consul, and sometimes Dictator. But the burning of the Court more effectually moved the Citizens, than the killing of *Clodius*.

WHEREFORE *Milo* (who according to common Report was gone into voluntary Exile) receiving Spirits from the Unpopularity of his Enemies, was returned to *Rome* that very Night on which the Court was burnt, and put in for the Consulate, notwithstanding what he had done. He likewise publicly distributed to the People a thousand *Asses* a Man.

SOME Days after, *Marcus Cælius*, Tribune of the People, and *Manilius Canianus*, his
Colleague,

A R G U M E N T.

7

Colleague, harangu'd the People in his Favour, vindicating his Conduct, and affirming that *Clodius* had way-laid *Milo*.

IN the mean time were created *Interreges* successively, who could not procure a Meeting of the Courts for the Election of the Consuls, on account of the factious Tumults of the Candidates, and the armed Bodies that were kept on Foot. The first thing the Senate decreed was, that the *Interrex*, the Tribunes of the People, and *Cneius Pompeius*, who at that Time was *Proconsul* for the City, should take care the Public should sustain no Loss; and that *Pompey* should make a general Levy throughout all *Italy*. He having expeditiously raised a Body of Men for the Safety of the Commonwealth, two young Men, both named *Appius Claudius*, (Sons of that *Caius Claudius*, who was Brother to *Clodius*) in their Father's Name and Authority impeached *Milo* of their Uncle's Death; they demanded Slaves of *Milo*, and of his Wife *Fausta*, insisting upon their being produced. The two *Valerii*, *Nepos* and *Leo*, and *Lucius Herennius Balbus*, likewise demanded the said Slaves. At the same time *Cælius* demanded the Slaves of *Clodius*, and his Companions. The Slaves of *Hypsæus* and *Quintus Metellus* were demanded by *Manilius Canianus*, Colleague to *Metellus*.

MILO had for his Councel *Quintus Hortensius*, *M. Cicero*, *M. Marcellus*, *M. Calidius*, *M. Cato*, and *Faustus Sylla*. *Quintus Hortensius* made a short Speech ; the Design of which was to prove, that those who were demanded as Slaves were Free-Men born ; for *Milo* set them at Liberty, because they had defended his Life.

THESE Things were transacted in the Leap-Month, almost thirty Days after *Clodius* was killed. “ *Quintus Metellus Scipio* complained
 “ in the Senate against *Marcus Cæpio* ; and
 “ with regard to the Death of *Publius Clodius*,
 “ asserted it to be false, that *Milo* had behaved
 “ in that defensive Manner as given out, and
 “ that *Clodius* had gone out with a Design to
 “ speak with the Magistrates of *Aricia*, and
 “ was attended with twenty-six Slaves. That
 “ *Milo* in a great Hurry after four o’ Clock,
 “ when the Senate was broke up, went to
 “ meet him with more than three Hundred
 “ armed Slaves, and in his Journey surprized
 “ him unawares above the *Bovillæ*. That *Pub-*
 “ *lius Clodius*, having there received three
 “ Wounds, was brought to the *Bovillæ*. That
 “ the Tavern, into which he had fled for Safe-
 “ ty, was by *Milo* broke open ; and that *Clodius*, when half dead, was dragg’d thence,
 “ and slain in the *Appian Way*. That his
 “ Ring,

" Ring was taken off his Finger, when dying.
 " That when *Milo*, who was then in *Albanum*,
 " knew that *Clodius's* little Son was come to
 " that Town, but convey'd away before he
 " received the Information of it, he so tortur'd
 " a Slave of his, one *Alicor*, that he cut him
 " into Pieces. That he cut the Throats of the
 " Bailiff, and two Slaves more. That of the
 " Slaves who defended *Clodius*, eleven were
 " killed, whereas only two of *Milo's* were
 " wounded. That for these Reasons, *Milo*,
 " the following Day, free'd twelve of his Slaves
 " who had been most instrumental in the At-
 " tack, and distributed among the People
 " throughout all the Tribes a thousand Pieces
 " of Money to each, that so they might take
 " his Part."

" 'Tis said, that he sent to *Cneius Pompeius*,
 who was much in the Interests of *Hypsæus*,
 who had been his Quæstor, telling him, that
 if he had a Mind, he would desist from stand-
 ing for the Consulate. It was reported that
Pompey answered, he neither desired any one
 to sue for the Consulate, nor to drop his Pre-
 tensions to it; and that he would not interpose
 either as to the Power, the Counsels, or De-
 crees of the *Roman* People: Nay, he is said
 to have begg'd by *Caius Lucilius* (who fa-
 vour'd *Milo* on account of his Familiarity with
Marcus

Marcus Cicero) that he would not render him unpopular by consulting him in this Affair.

THUS stood Matters when the Rumour prevailed, that *Cneius Pompeius* was to be created Dictator, and that the Calamities of the City could not well be put an End to by any other Expedient; the Nobility thought it a safe Step, to create him Consul without a Collegue. After this Affair had been debated in the Senate, and a Decree of the House given upon the Opinion of *Marcus Bibulus*, *Pompey* was upon the 5th of the Calends of *March* created Consul, by the *Interrex Servius Sulpitius*, and immediately entered upon the Consulate.

THREE Days after he made a Motion for enacting new Laws. Two he actually promulged by a Decree of the Senate: One in which he expressly comprehends the Murder in the *Appian* Way, the Burning of the Court, and the Attack made upon the House of *Marcus Lepidus* the *Interrex*: The other relating to procuring Posts by Bribery; providing a severer Punishment for this Crime, and a quicker Method of dispatching Trials: For both Laws required that the Witnesses should be examin'd three Days before, and that then the Plaintiff and Defendant should plead their Causes in one Day, and that the Defendant should

should have three, and the Plaintiff two Hours allotted him for that purpose.

MARCUS CÆLIUS, Tribune of the People, the determined Friend of *Milo*, opposed these two Laws; because he said, that not only a particular Law was enacted against *Milo*, but that his Trial was carried on in a quicker Way than was usual. And *Cælius* persisting in his Opposition to this Law, *Pompey* resented it so, that he said, "He himself would defend the Republic by Arms, if there was a Necessity for it:" But *Pompey* was afraid of *Milo*, or at least pretended to be so; for instead of staying in his own House, he lurked, for the most part, about such of his Gardens, as were laid out on a rising Ground; round which also a great Body of Soldiers watch'd. *Pompey*, likewise, once kept the Senate in his own Portico, because he said he was afraid of being attack'd by *Milo*.

AT the next Meeting of the Senate, *Publius Cornificius* maintained, that *Milo* had a Dagger concealed under his Coat, and demanded a Search; upon which *Milo* threw aside his Coat, and cleared himself from the Aspersion. Then *M. Cicero* cry'd out, "That all the other Crimes with which *Milo* was charg'd, were no better founded."

MUNATIUS

MUNATIUS PLANCUS, a Tribune of the People, next produced to the Assembly *M. Æmilius Philemon*, a Person well known, and the Free'd Man of *Marcus Lepidus*: He said, that he and other four Freemen in their Journey came up, when *Milo* and his Attendants were killing *Clodius*, and that when they called out for Assistance, they were seized, carried to *Milo's* Farm, and there shut up for two Months. This Declaration, whether true or false, was of great Prejudice to *Milo*. The same *Munatius* and *Pompey*, Tribunes of the People, produced a Capital Triumvir upon the Rostrum, and asked him, if he had found *Galata*, *Milo's* Servant, accessary to the Murder. He answer'd, that he was apprehended as a Fugitive, when sleeping in the Tavern, and brought to him; they, nevertheless, ordered the Judge to confine the Servant; but next Day *Cælius*, a Tribune of the People, and *Manilius Canianus*, his Colleague, having rescued the Slaves from the Triumvir's House, restored him to *Milo*.

Tho' *Cicero* makes no mention of these Circumstances, yet knowing them to be true, I thought proper to insert them.

AMONG the first, *Quintus Pompeius*, *Caius Sal-*

Sallustius, and *Titus Munatius Plancus*, Tribunes of the People, made bitter invective Speeches, not only against *Milo*, but against *Cicero*, for his resolute Defence of *Milo*; the Mob too was enraged at *Cicero* for his unpopular Conduct in this Defence.

POMPEY and *Sallust* were afterwards suspected of being reconciled to *Milo* and *Cicero*; but *Plancus*, persisting inveterately, instigated the People against *Cicero*, and render'd *Milo* suspected to *Pompey*; by bellowing out that *Milo* intended to attack his Person. For this Reason, *Pompey* often complained he was in Danger from barefac'd Treachery; and therefore was guarded by a larger Body of Men than usual: *Plancus* also told him that he ought likewise to impeach *Cicero*; and tho' *Pompey* afterwards threaten'd the same, *Cicero*'s Honesty and Constancy were so great, that neither the Opposition of the People, the Suspicions of *Pompey*, the Dread of future Danger from a popular Impeachment, nor the Arms which were openly taken up against *Milo*, deterred him from defending him; tho' at the same time he might have avoided his own Danger, with the Odium of the Mob, and regained the Favour of *Pompey*, had he been less keen in the Defence.

HERE-

HEREUPON *Pompey* (after enacting a Law, a Clause of which bore, that by the Votes of the People, a Judge in Capital Matters should be created from among those who had been Consuls) held the *Comitia*, and *Lucius Domitius Ænobarbus* was named Judge. The rest of the Assessors upon this Trial proposed by *Pompey* were such, as *Rome* at no Time could boast of Men of clearer Heads or better Hearts.

IMMEDIATELY after, *Milo* was impeached by the two Youths, *Appii Claudii*, upon the new Law ; these were the same, who a little before had demanded his Slaves : The same Prosecutors likewise accused him of Corruption. These Prosecutions were undertaken with this View, that as the first Trial would be upon the Bloodshed, (upon which they apprehended he must be convicted) he might not afterwards put in an Answer.

THE previous Question, as to the Corruption, was debated before *Aulus Torquatus* the President of that Trial ; and both the Presidents, *Torquatus* and *Domitius*, summoned the Defendant to appear before them the Day before the *Nones* of *April*. On that Day, *Milo* in Person attended the Tribunal of *Domitius*, and sent his Friends to that of *Torquatus*,
who

who, at the Request of *Marcus Marcellus*, dispens'd with his standing a Trial upon the Charge of Corruption, till that upon the Bloodshed was discussed.

BUT before *Domitius*, *Appius Major* demand-
ed *Milo* to deliver up fifty-four of his Slaves ;
and when he denied that the Persons named
were in his Power, *Domitius*, with the Con-
currence of the other Judges, pronounced that
the Accuser should have Liberty to name what
Number of the Slaves he pleased.

THEN the Witnesses were cited, according
to that Law, which (as we above hinted) en-
joined, “ That before the public Trial should
“ come on, the Witnesses should be heard
“ for three Days ; that the Judges should take
“ Minutes of their Declarations ; that on the
“ fourth Day, they should all be ordered to
“ appear the Day following, and that then
“ the Plates, on which the Names of the
“ Judges were written, should, in the Presence
“ of the Accuser and the Criminal, be com-
“ pared together. That the Day following,
“ there should (by casting Lots) be an Elec-
“ tion of eighty one Judges, who were to sit
“ as soon as they were chosen : That the
“ Plaintiff should have two, and the Defen-
“ dant three Hours allotted for pleading ; and
“ that

" that the same Day Sentence should be given.
 " But that the Plaintiff and Defendant should
 " first have each a Liberty of striking five out
 " of every one of the three Orders; so that
 " the Number of Judges should amount but to
 " fifty-one."

ON the first Day *Cassinius Scola* was brought
 as an Evidence to convict *Milo*; who said, that
 he was with *Clodius* at the Time when he was
 murder'd by *Milo*, and in the Course of his E-
 vidence, aggravated as much as he could the
 Heinousness of the Crime. *Marcus Marcellus*
 beginning to cross-examine him, was attacked
 by so hideous a Riot and Outcry of the *Clodian*
 Faction, who were by, that to avoid its Con-
 sequences, which he apprehended might be fa-
 tal, he was obliged to shelter himself in the
 Tribunal of *Domitius*. Upon this, not only he,
 but *Milo* petitioned *Domitius* for Protection.
Cneius Pompeius then sitting in the Treasury,
 offended at this Riot, promised to *Domitius*
 next Day to appear with a Guard; which he
 did, and by it the *Clodian* Party was so over-
 awed, that without any Noise, they suffered
 the Depositions of the Witnesses to be taken for
 two Days. *Marcus Cicero*, *Marcus Marcellus*,
 and *Milo* himself examin'd them. Many of the
 Inhabitants of the *Bovillæ* gave in their Evi-
 dence, viz. " That the Master of the Tavern
 " was

“ was slain, the Tavern itself broke open, and
 “ the Body of *Clodius* dragg'd forth to the
 “ Highway. The Vestal Virgins likewise said,
 “ that an unknown Woman came to them by
 “ *Milo's* Orders to pay her Vows, because
 “ *Clodius* was dead.” The last who gave in
 their Evidence were *Sempronia*, the Daughter
 of *Tuditamus*, and Mother-in-law to *P. Clodius*,
 and his Wife *Fulvia*, who by their
 Weeping made a great Impression on all who
 were present. The Trial breaking up at four
 o' Clock, *Titus Munatius* exhorted the People
 to assemble next Day, that *Milo* might not be
 suffered to escape, and to express their Grief
 for the Death of *Clodius*.

NEXT Day, the third of the Ides of *April*,
 when the Judges were to pronounce Sentence,
 all the Shops of the City were shut up, and
 Guards placed in the Forum, and all its Avenues,
 by *Pompey's* Orders, who placed himself
 before the Treasury, as he had done the former
 Day, surrounded by a Body of Troops.
 Then the Election of the Judges was made by
 Lots, as on the first Day, when there was a
 profound Silence throughout the whole Forum.

ABOUT eight o'Clock, the Plaintiffs, *Appius*
Major, *Marcus Antonius*, and *Publius Valerius*

rius Nepos, began to plead, which (according to the Law) they did only for two Hours.

To these *Cicero* alone replies ; and though some chose to defend the Action upon this Principle, *that the Death of Clodius was for the Interest of the Commonwealth*, a Reasoning introduced by *Marcus Brutus*, in the Oration he composed for *Milo*, tho' he did not deliver it ; this did not please *Cicero*, because, though it might be for the Public Interest, that a Man should be condemned, it did not follow that he might be killed uncondemned. *The Man who for the Public Good was condemned, could not be killed if uncondemned*: Therefore, when the Plaintiffs asserted that *Milo* had way-laid *Clodius* (which was false, the Fray happening by Chance) *Cicero* replies, and maintains that *Clodius* way-laid *Milo* : On this single Point, the whole of his Oration depends : But the Evidence came out, as we hinted above, *that neither of them that Day engaged designedly, but that the Encounter was casual, and that the Scum of the Servants proceeded to Bloodshed* ; but it came out, that each had threaten'd the Life of the other ; and as the great Retinue of *Milo* were more suspected than the others, so the others were more upon their Guard, and better provided for an Attack.

WHEN

WHEN *Cicero* began to speak, he was interrupted by a Shout of the *Clodian* Faction, whom even the Terror of the Guards could not restrain, which disconcerted him so that he fell short of his usual Manner.

THE Oration in which he was interrupted remains; but he wrote this with so much Spirit and Art, that it is deservedly looked upon as his Masterpiece.





ARGUMENT.

THE Oration, which the best Judges look upon as the Master-piece of Tully's Eloquence, was pronounc'd upon the following Occasion.

The first Symptoms of the Ruin of the Roman Liberty, broke out in the avow'd Corruption employed by the several Candidates for Public Offices: But as the Interests of the Competitors flourish'd or sunk in Proportion as they possess'd the Means of Corruption; when these failed, they often had recourse to Arms, and proceeded to Blood and Riot. In the 701st Year, from the Building of Rome, three powerful Competitors appear'd for the Consulate; Milo, who seems to have been supported by the greater Senatorial Interest, and Publius Plotius Hypseus, with Quintus Metellus Scipio, who had all the Interest of Pub. Clodius, then a Candidate for the Prætorship, and a profess'd Enemy, on many Accounts,

to Milo: Thus, tho' the Office, for which the Competitors with Milo contended, was superior in Dignity to the Prætorship, yet the Struggle was generally look'd upon, by reason of the great Interest of Clodius with the People, as lying betwixt Milo and Clodius, the other two Candidates being but the Tools of Clodius. What made the latter more eager in opposing Milo was, he himself being a Candidate for the Prætorship that Year; and resolving to attempt several fundamental Alterations in the Laws and Constitution of his Country, he despair'd of Success if Milo was Consul.

But Milo, supported by Men of the greatest Quality, Authority, and Property, was named to the Consulate by the almost unanimous Voice of the Electors, which drove Clodius to the Necessity of opposing him in a lawless, tumultuous Manner. Milo, who, by an excessive Profusion, had gained a strong Party to his Interest, never failed to repel his Adversary; and these Bickerings render'd it impracticable to proceed to the Election in a regular Manner at the usual Time; so that, towards the Middle of January, the Competition was still depending; nor could all the Interest of Milo procure an Interrex to be chosen for proceeding to a definitive Election.

It is hard to say into what Convulsions these Struggles must have thrown the Roman State, had not the Death of Clodius, by the Hand of
C 3
Milo,

Milo, taken off the most formidable Enemy of the Senatorial Power. The Reader, in perusing the following Oration, and in my Notes to be annexed to this Volume, will learn the Circumstances of the Encounter betwixt him and Milo. It may, however, be necessary to premise, that the Body of Clodius being conveyed to Rome, from the Appian Way, the Scene of the Encounter, was carried on a Couch into the Forum, and by the Madness of Sextus Clodius, a Creature of the Deceas'd, consum'd with the Desks, Benches, and Seats fixed in the Courts of Justice, but now torn up by the enrag'd Faction, to serve as a Funeral Pile for the Body of Clodius. The Flame communicated itself to the adjacent Buildings, and the Courts of Justice themselves were soon reduced to Ashes. This Outrage created a universal Consternation in Rome, which in a great measure soften'd the public Resentment against Milo; or, at least, awaken'd anew the Remembrance of all the Crimes of Clodius.

In the mean time, an Interrex was chosen in less than two Days after the Death of Clodius; the Clodian Faction, thinking it now a proper Time for carrying the Election in Favour of their two Consuls, demanded the Interrex, who was Marcus Emilius Lepidus, to hold the Comitia, and proceed to the Election. But he excus'd himself, because, his Interregal Power lasting no longer than five Days, the Assembling of the Comitia belong'd to his Successors in that Office,

Office. Upon this the Clodian Faction, enrag'd to Madness, beset his House, and proceeded to the most unjustifiable Outrages, and had certainly assassinated Lepidus, had not Milo's Party, who by this Time recover'd their Spirits, thro' the Impopularity of their Opponents on account of their burning the Forum, interpos'd with the same Demand. The two Factions then falling upon one another, preserv'd the Person, and prevented the Demolition of the House of Lepidus.

Various were the Traverses, which this Affair met with in the then unsettled State of the Roman Government; they terminated however in this, that Pompey was created sole Consul; and, three Days after his entering into Office, he propos'd and enacted two Laws; the one for enquiring into the Circumstances of Clodius's Death, the Assault upon the House of Lepidus, and the Burning of the Forum, which were all adjudg'd to be Acts of Treason against the Commonwealth. The second related to the Corruption of the Candidates for public Offices, and a Regulation of public Trials.

These Laws, especially the latter, were eagerly oppos'd by Marcus Cælius, a Tribune of the People, and a Friend of Milo, whom the former insisted should be try'd in the ordinary Form by the acting Prætor. But Pompey with Menaces over-ruled this Opposition. After this Pompey made a new Law, by which it was enacted, that an extraordinary President of this Trial should be

created out of those who had pass'd Consul. Upon this the Comitia being held, Lucius Domitius Ænobarba was recommended by Pompey as President, with the other Judges, Men of the greatest Abilities and Integrity in Rome. In the mean time, the Accusers of Milo, who were the two young Appii, Kinsmen of Clodius, demanding from the Senate, that Milo should be try'd upon Pompey's late Law. Fufius, a Senator, by vertue of his Authority, requir'd the Proposition contain'd in that Law to be divided; that is, that the Death of Clodius should be try'd separately from the other two Acts of Treason, which being agreed to, was look'd upon as a farther Hardship upon Milo. After the Evidence for the Prosecution had been heard before this Court, which Pompey, to prevent the violent Efforts of either Faction, had guarded with a strong Body of regular Troops, Cicero was admitted to proceed to the Defence of the Criminal. But he was so daunted at the View of the armed Force, that we are told, he made so poor and frigid a Defence, that Milo was condemn'd by the Court. Therefore, the following beautiful Harangue, suppos'd to be deliver'd that Day, is thought to have been penn'd by Tully, and to have receiv'd all its Beauty and Fire, some Time after the Sentence was pass'd.

All this happen'd in the Year of Rome 701, and in the 54th Year of Cicero's Age.

M. T.



M. T.
C I C E R O's
O R A T I O N
F O R
M I L L O.



HO', my Lords, * I am apprehensive, that, when I enter upon the Defence of a brave Man, it may be thought mean to betray any Symptoms of Cowardice, or to be unable to support my Pleading, with a Dignity of Courage equal to that of *Titus Annius*

* That we may give the Reader a clear and comprehensive Notion of *Cicero's* Art in this Oration, it may be proper to premise an Analytical Account of the Disposition of the Whole.
The

nus Milo, who is less concerned about his own Fate, than that of his Country; yet am I dismayed

The Point of Enquiry according to our Author is, not whether *Clodius* was killed by *Milo*, for that is confessed; but whether he was not lawfully killed. This he maintains in the Affirmative, by laying down a general Proposition, *viz.* That it is lawful to kill the Man who lies in wait, and attempts to murder you.

This general Proposition he proves;

1st, From the Authority of the People, former Trials, and the Laws in being.

2dly, From the Silence of the Laws passed on that Occasion, either by the Senate, or *Pompey*.

Our Author, having thus established his general Propositions, proceeds to prove, that *Clodius* comes precisely under that Description: This he does,

1st, From the Advantages that were to arise to the Deceased by the Death of *Milo*.

2dly, From the declared Hatred he had always expressed for the Prisoner.

3dly, From the criminal Behaviour of the Deceased thro' all the Scenes of Life.

4thly, From his Hopes of Impunity.

And the Evidence, upon which these Circumstances are alleged, are

The Words and Actions of the Deceased.

The COROLLARY.

Clodius was lawfully kill'd, and *Milo* acted on Self-defence.

Quintilian, one of the greatest Judges of Antiquity, is the Author who illustrates the Beauties of our Orator the most copiously; for which Reason, and because no Translation of *Quintilian* is extant, I intend in these Notes to make Use of his Observations; and I make no doubt but that the Reader will own they are more judicious, and discover a truer Knowledge of *Cicero's* Manner, than we find in any other Writer.

The

mayed with this * unusual Pomp of Justice,
this unprecedented Array of Terror: My Eyes,
in

The Proœmium to this Oration is finely praised by *Quintilian*, in the Rules he lays down against a vicious Monotony.

“ Let us, says he, propose as our Example the Beginning of that noble Oration for Milo: Are not at every Period the Muscles of the same Face to be varied with the Delivery? *Et si vereor judices ne turpe sit pro viro fortissimo incipientem dicere timere.* Tho’ the whole Proposition is pithy and submissive, because it is an Exordium; yet must the Orator be supposed to speak more full and erected, when he pronounces the Words *pro fortissimo viro* than *Et si vereor—turpe est—Et—timere.* In the next Pause, he must have risen by as it were a natural Effort, which leads to a bolder Pronunciation, and better exemplifies the Courage of Milo. *Minimeque deceat cum Titus Annius ipse magis de Reipublicæ salute quam de sua perturbetur:* Then, as if he blam’d himself, *Me ad ejus causam parem animi fortitudinem asferre non posse.* Then he varies to a hated Object; *Tamen hæc novi judicii nova forma terret oculos.* Immediately, as if he had almost quite recovered his Spirits; *qui quocunque inciderint veterem consuetudinem fori Et pristinum morem judiciorum requirunt.* Then what follows is free and diffus’d; *non enim corona confessus vester cinctus est, ut solebat.* This I have brought as an Instance that not only Sentences, but Syllables, ought to be differently articulated; otherwise every Sentence will have the same Effect.” As much Care is taken to keep up to these Beauties in the Translation, as I thought consistent with the Spirit of our Language.

* *Unusual Pomp of Justice.*] The Expression in the Original is *novi judicii nova forma*; a new Form of a new Trial: The Reason why *Cicero* call’d it so deserves Attention.

Criminal Cases among the Romans were try’d either judicially, or extrajudicially: The judicial Proceedings were carried on by the acting Prætors in criminal Cases; these Prætors were called *Prætores Quæitores*, or *Quæitores Parricidii*, and they determined according to Law and Precedents; their Proceedings, therefore, were called *Quæstiones perpetuæ*.

Extrajudicial Proceedings were observed in those Cases, where the Circumstances of the Crime were such as not to be provided for by Law, or such as deserved a greater Punishment than the Law inflicted. In this Case the Senate or the People appointed a Commission, with a President for trying it.

This

in vain, on all sides, search for the venerable Forms, and ancient Appearances of the Forum; your Bench is environ'd with Attendants, and the Bar with Guards, hitherto unknown at a *Roman Trial*.

FOR these Troops, which stand before all the Temples, however they are meant to overawe Violence, strike Terror into the Pleader; and tho' the Guards, with which this Forum and these Walls are lined, may be *salutary*, perhaps *necessary*; yet * the very Means of *Safety* awaken the Idea of *Danger*. But, did I think

This Trial of *Milo* was of the latter kind, which *Cicero* thought to be a Hardship; since, as he says, they had Laws and Precedents, and there was nothing special in the Case to require an *extrajudicial* Proceeding. But perhaps the Reader, who has attended to *Asconius's* Argument, will be of a different Opinion.

The Reader is here to take Notice, that this Trial happening while *Pompey* was *Dictator*, all the judicial Authority, both of the Senate and People, devolved upon him, and he might have try'd *Milo* himself.

* *The very Means of Safety.*] *Cicero* here in the Original has a Jingle, which no modern Language could admit of, without losing much of its Dignity. Whether it is not even too low in the Original, I shall submit to the Reader. The Expression is, *Ne non timere quidem sine aliquo timore possumus, i. e.* Without some Fear we cannot fear. But I shall beg Leave here once for all to make one Observation, which will be of great Use to an ingenuous Reader, who shall carry it in his Eye. There is a great Difference betwixt what is wrote in order to be delivered, and what is wrote only to be read. The first supposes many Circumstances present to the View; many particular Passions that are to be applied to; many different Understandings that are to be consulted; none of which can enter into a Composition that is wrote in order to be read only. There.

I think that those Soldiers were placed there to influence this Trial in prejudice of *Milo*, I would yield, my Lords, to Necessity, nor imagine, that, where so determin'd a Force overrules, the Voice of Eloquence can be heard. I am, however, supported and encouraged by the Conduct of *Pompey*, who, as he is * a Person of the most consummate Justice, will never expose to the Sword of the Soldier, the Man whom he has given up to the Judgment of this Court; and as his *Wisdom* is equal to his *Justice*, he must think it inconsistent with *both*, should he strengthen the Fury of popular Commotion by the Sanction of supreme Authority.

THERE-

Therefore, when a Reader meets in an Oration with a Passage that seems too trivial for the Subject, let him take all these Circumstances into his View, and make himself Master, as much as possible, of the Situation of the Speaker; he will then often see with less severe Eyes, than when it presents to him merely as a Matter of Information. We know by Experience what a Difference there is betwixt any Story that passes in common Conversation, where the Circumstances are enlivening, and the Accidents interesting, and the same Story repeated, stript of all these, how affecting or diverting it may appear in one Light, and how cold and insipid in another. The same may be said of this Oration, delivered while the Speaker was under a real or affected Consternation, and obliged to accommodate every Expression to what he designed should appear.

* *A Person of the most consummate Justice.*] This fine Compliment to *Pompey* is introduc'd with an oblique Glance of what *Tully* keeps always in his View thro' this Oration, which is the Partiality which *Pompey* shewed in granting this Trial. As *Pompey* had great Authority and great Power at that Time in *Rome*, the Orator endeavour'd to remove all the Effects which this Partiality might have upon the Minds of the Judges.

THEREFORE, those *Arms*, those *Officers*; those *Troops*, are placed not to *overawe*, but to *protect*: While I plead, they bid me, my Lords, speak with *Composure*, nay, with *Courage*, and promise me not only *Safety* but *Attention*. The rest of the Multitude, so many, at least, as are *Roman* Citizens, is on our Side; * and every Man of them, whom you perceive crowding the Places from whence the smallest Part of the Forum can be viewed, expecting the Event of this Trial, is interested in our Favour; and thinks that the Sentence which condemns or acquits *Milo*, fixes the Fate of himself, his Posterity, his Country, and his Property.

ONE Sett of Men are indeed our determin'd inveterate Enemies; I mean † those Robbers and Incendiaries trained up by the Madness of *Clodius*, and supported by Rapine, Burnings, and every destructive Species of public Calamity;

* *And every Man of them.*] At this Trial three Ranks of Men were present: The Soldiers, whom *Pompey* had plac'd; the Citizens, waiting the Event of the Trial; and the *Clodians*, whose Thoughts were bent upon the Ruin of *Milo*; besides, *Cicero* styles them Citizens in contradistinction to the *Clodians*, who, on account of their seditious Practices, did not deserve that Name.

† *Those Robbers and Incendiaries.*] *Clodius* had by his Rapines gained over to his Interest the base and abandoned Part of the Citizens, for he sold the Consular Provinces to *Piso* and *Gabinus*; with them he shar'd the Treasure: And to *Brogitarus* he sold the Province of *Pessinus* in *Phrygia*.

mity ; who, * instigated by the Speeches of Yesterday, had the Insolence to anticipate your Judgment upon this Case: But I hope, if these Clamours are to have any Effect, it shall be that of preserving to his own Country a brave Citizen, and one who, for your Safety, always disregarded those Ruffians and their Threatnings.

THEREFORE, my Lords, let Fear, if you have any, be laid aside, and act with Spirit. For if ever you had it in your Power to judge of the Honest and the Brave ; if ever the Liberty of worthy Citizens *was in your Hands* ; if ever Men selected from the most illustrious of our Orders, had an Opportunity to render effectual, by their Conduct and Decisions, those favourable Intimations which they had before often given by their Looks and Words ; in you at this Instant all these Powers are vested, that you may pronounce whether we, who have still been devoted to your Authority, should languish under Oppression ; or, after long Persecution, by the most abandon'd Citizens, at last be relieved by your Integrity, Virtue, and Wisdom ?

FOR

* *Instigated by the Speeches of Yesterday.]* Munatius Plancus, one of the Tribunes of the People, the very Day before this Oration was deliver'd, in a set Speech, exhorted the People to use all their Diligence to prevent *Milo's* Escape.

For what, my Lords, can be more irksome; what can be expressed or conceived more exquisitely tormenting, than that we, * whose Services to our Country gave us a Right to expect the highest Honours, should now be subjected to the Dread of the most infamous Punishment? I thought, indeed, that all the Storms and Tempests, which *tumultuary Faction* and *distracted Counsels* raise, must break upon the Head of *Milo*, because he has ever patronized *Virtue* against *Licentiousness*; but little did I imagine, when the Affair was brought to a regular Trial, wherein the greatest and most illustrious Men in *Rome* were to sit as Judges, that the Enemies of *Milo* should harbour a Thought of succeeding, while such Men were on the Bench, in their Endeavours, not only to affect his Life, but to *stain* his Glory. For, my Lords, unless you shall see to the strongest Conviction, *that Milo was treacherously beset by Clodius*, I shall not endeavour to influence your Judgment upon this Fact, by displaying

* *Whose Services to our Country.*] He here beautifully excites the Compassion of the Judges, in his own and *Milo's* Favour, from a Consideration of the Services they had done to the State, and the Injuries they had received at the Hands of the *Clodians*.

Milo might justly claim the highest Offices, on account of his Merit; and accordingly had been formerly created Tribune, and was now putting in for the Consulship.

playing the * Tribuneship of *Milo*, nor the Conduct of his whole Life, spent in a Series of successful Services to his Country. Neither shall I plead the Merit of those Services as an Atonement for one rash Action; nor suggest, that if the Safety of you, who sit on that Tribunal, was incompatible with the Life of *Clodius*, your Deliverance was owing to the Virtue of *Milo*, rather than the Guardian Genius of *Rome*. But, if the Treachery of *Clodius* should appear plain as the Sun at Noon-day, I shall, my Lords, beg, I shall conjure you, if we have lost all other Advantages, that we may retain this one poor Privilege of defending with Impunity our Lives against the unjust Violence of our Enemies.

BUT before I touch upon those Points that more immediately affect the present Question, some Things advanced in the Senate often by our Enemies; by Ruffians, and lately by our Accusers, before a certain Assembly, are to be discussed; that, every Medium of † Error being dispelled, you may judge of the naked Me-
D rits

* *Tribuneship of Milo.*] *Annius Milo* was created Tribune the Year after *Clodius* had been so.

† *Error being dispelled.*] The *Clodians*, and especially *Munatius Plancus* and *Quintus Pompeius*, Tribunes of the People, declare for *Milo's* Death; and founding their Argument upon a former Decision, they deny that a Man, who confesses he has kill'd another, should be allow'd to live. This Argument *Cicero* answers in a most pathetic, and, at the same time, a most artful Manner, by producing Counter-decisions in parallel Cases.

rits of the Cause. They, my Lords, deny that a Man, who confesses he has killed another, should be suffered to see the Sun. In what Place do these Fools think they are arguing? Surely not in that City, where the first Decision in a capital Case was upon the Life of the * brave *Horatius*; who, before the Date of *Roman Liberty*, was acquitted by the assembled *Comitia* of the *Roman People*, tho' he confessed that with his own Hand he had killed his Sister.

WHERE is the Man who is ignorant, that, in Cases of Bloodshed, the Fact is either absolutely denied, or, if admitted, maintain'd to be just and lawful? Were it not so, *Africanus* must be deemed a Madman; who, being publickly asked by *C. Carbo*, the factious Tribune of the People, what was his Opinion of the Death of † *Gracchus*? answered, *That he*
was

* *Brave Horatius.*] Under the Reign of *Tullius Hostilius*, the three *Curatii* kill'd two of the *Horatii*; but the surviving *Horatius*, animated with uncommon Vigour, and fir'd at once with the Honour of his Country, and the Death of his Brothers, kill'd all the three *Curatii*: Returning in Triumph from so glorious a Victory, his Sister, the Wife of one of the *Curatii*, met him by the Way, with Tears in her Eyes, bewailing the Death of her Husband, and testifying her Grief for the Victory of the *Romans*: *Horatius*, enrag'd at this, slew his Sister; and, being apprehended for the Fact, he appealed to the People, and was acquitted.

† *Tiberius Gracchus.*] *Tiberius Gracchus*, after having been the Author of many Seditions, wanted to be a second Time
created

was lawfully killed. Nor can the great * *Ahala Servilius*, *P. Nasica Opimius*, † *Marius*, or the Senate when I was Consul, be deemed otherwise than criminal, if it is a Crime to put to Death the Abandoned of our own Country. Therefore, my Lords, it is not without Reason, that some ingenious Writers have, in fabulous Histories, informed us, that when a Difference in Opinion arose with regard to the

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Man

created Tribune of the People ; but by the Orders of *Publius Cornelius Nasica* he was, by the Nobles in the Capitol, beat to Death with the Splinters of Desks, and his Body thrown into the River.

* *Ahala Servilius*.] When Famine rag'd in *Rome*, *Spurius Melius*, a Roman Knight, at his own Charge, supply'd the Populace with Provisions ; and becoming popular by this Conduct, he affected the Sovereignty ; but his Designs were frustrated by his Death ; for in the Year of the City 314, *Quintus Cincinnatus*, the Dictator, ordered *Servilius Ahala*, Master of the Horse, to kill him, which he accordingly did.

Tiberius Gracchus, having in his Tribuneship procur'd the Favour of the People by his Largeesses, violently oppress'd the State ; upon which the Senate ordered *Mucius Scævola*, the Consul, to take Arms in Defence of the Republic : But he refusing this, *Publius Nasica* offer'd himself as General, and bravely spoke the genuine Language of Patriotism in these Words: *Qui salvam Rempublicam esse volunt, me sequantur* ; Let all who wish well to *Rome* follow me.

In the Year of the City 632 this *Opimius* kill'd *Caius Gracchus*, the Brother of *Tiberius Gracchus*, attempting to raise fresh Seditions in the State.

† *Marius*.] *Caius Marius* kill'd *Saturninus*.

When *Cicero* was Consul, he by the Senate's Orders put to Death *Lentulus* and *Cethegus*, together with some others embark'd in the Conspiracy of *Catiline*.

Man who had * revenged the Death of his Father, by that of the Murderers his Mother, the Parricide was acquitted by the Oracle; an Oracle too, my Lords, pronounced by the Goddess of Wisdom herself. And if the † twelve Tables have made it lawful, absolutely and unconditionally, to kill a Thief in the *Night*, and by *Day*, in case he shall defend himself with a Weapon; who can be so unreasonable as to think that no *Circumstance* or *Manner*, attending the Killing of any Man, ought to excuse the Person who kills him, from Punishment? Since it is plain, that the Laws themselves sometimes put into our Hands, the Sword which is to shed the Blood of Man.

BUT if there can be a Time, as there are many, when this is not only lawful but necessary, it is, when *Force* can be repelled only by

* *Revenged the Death of his Father.*] *Orestes* is here meant, who kill'd his Mother *Clytemnestra*, for having imbrued her Hands in the Blood of *Agamemnon* his Father. When he stood his Trial, the Judges were divided in their Opinions: Upon which an Appeal being made to the Gods, he was acquitted by *Minerva*.

† *Twelve Tables.*] The Laws of the Twelve Tables were enacted by the *Decemviri*, and engrav'd on twelve Plates of Brass. The one relating to Theft, according to *Macrobius*, runs thus: *Si nox furtum factum sit, si in eo aliquis occidit, jure casus esto*: If a Theft shall be committed in the Night-time, the Person committing it may be lawfully slain.

by *Force*. When a Military Tribune, a * Relation of *Caius Marius*, attempted to pollute the Body of a Soldier in that General's Army, the Ravisher was kill'd by the Soldier, who was acquitted by that great Man; since the virtuous Youth chose to avoid, at the Hazard of his Life, what he could not suffer without the Violation of his Honour. To a Traitor then and a Robber, what Death can be deemed unjust?

WHAT avail † those very Guards, and to what Purpose are they suffered to wear Swords,

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if

* *Relation of Caius Marius.*] This Military Tribune was *Caius Lucius*, the Nephew of *Caius Marius*, and a Wretch so brutally wicked, as to attempt to pollute the Body of one *Trebonius*, a private Soldier, whom he call'd into his Tent in the Silence of the Night, with a View to execute his more than hellish Purposes: *Trebonius* went into the Tent, and sav'd his Honour by the Death of the Man who attack'd it. This Affair being laid before *Marius*, the Youth was by him not only acquitted, but likewise honour'd with a Crown or Garland. This signal Piece of Justice procur'd the Consulship a third Time to *Marius*.

† *Those very Guards.*] It is very doubtful whether *Cicero* here means the Guards that were attending upon the Trial, or the Train of Attendants that the *Romans* used to travel with. The Original is *Quid Comitatus nostri, Quid Gladii voluisti?* I have translated it in the former Sense, as being more oratorical, and proper to make a deeper Impression upon the Minds of the Judges, since we may suppose that he pointed to the Guards while he spoke: Besides, the Whole of this Oration contains many home delicate Strokes upon *Pompey*; and the very Insinuation conveyed here, as I have translated it, could not but have a very deep Effect upon the Audience; for he artfully avoids calling them Guards, and calls them Attendants.

if they are suffered upon no Account to use them? The Law says, that when our Life is endanger'd by Treachery, or by the insidious Attacks of Robbers and Enemies, all the Means, which we can use for our Deliverance, are justifiable. This, my Lords, is † a Law not adopted by Custom, but inherent to our Being; a Law

† *A Law not adopted.*] I have here transpos'd Tully's Words; a Liberty I shall always take when the Genius of our Language requires it, as it does in this Place; and when it can be done without an Alteration of the Sense. Few Passages of Antiquity have been oftener and more justly praised than this. First, for the beautiful Harmony and sweet Variation of the Periods, the Consideration of which oblig'd me to take a greater Liberty in translating them. I hope I have preserved all that Tully could mean; but as it would be an Injury done to an *English* Reader, not to acquaint him with the precise Terms in which our Author deliver'd himself, I shall here present him with a literal Translation of the whole Passage: "For this, my Lords, is a Law not *written* but *born*; (*a Law*) which we have not learn'd, receiv'd, read; but snatch'd, suck'd in, squeez'd from Nature herself; (*a Law*) to which we have not been tutor'd, but form'd; we have not been train'd, but tinctur'd." The next Excellence of this Passage lies in the Closeness of Reasoning contain'd in it; for Cicero here brings his Adversaries into the following Dilemma: *If, says he, you are unjustly attack'd, it is either lawful to defend yourself, or not. If it is not lawful, my Client has done right; if it is unlawful, an Absurdity unavoidably follows.* Its last Excellence lies in the fine political Maxim it establishes; for it is upon Extension of this Maxim that all Principles of *Public Liberty*, as well as *private Self-defence*, are built. Various are the Authorities which may be produced from Antiquity, to prove that this Law of Self-defence is established previous to all Laws; and that it takes place in a public as well as a private Capacity. It may be extended to the Right which all Societies have to repel the Incroachments of Power: And to use our Author's Words, *It puts into the Hands of the People the Sword that is to chastise the Crimes of the Tyrant.* What the Opinion of the Ancients

Law not received, learned, or read, but an
essential, cogential, inseparable Character of Na-

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ture ;

Ancients was with regard to this great Maxim of Liberty, we
may see by the following few, out of a great many other,
Quotations.

Xenophon, Lib. 4, Rer. Mem. " O *Hippias* ! Dost thou
" believe that there are unwritten Laws ? Yes, those which
" at all Times, and in all Nations, are promulg'd in the same
" Manner. Can you, therefore, assert that these derive their
" obligatory Force from the Will of any Mortals ? How can
" that be, since Mankind differ so widely in their Sentiments
" and their Languages ? Who, then, do you believe were the
" Authors of these Laws ? The Gods, reply'd *Hippias*."
" *Antigone*, in *Sophocles*, when *Creon* puts this Question to her,
" And didst thou dare to transgress my Laws ? " answers thus ;
" These Things are neither positively enjoined me by *Jove*,
" nor am I obliged to them by the express Command of those
" inferior Deities who have establish'd Laws to Mortals : Nor
" do I imagine your Edicts to be of such Force and Weight as
" to be able to weaken the unwritten Laws of the Gods : For
" these Laws are not only of Force To-day, or Yesterday, at
" this or that particular Time, but at all Times, and for ever.
" neither can any one trace them to their Source." *Aristotle* in
Book 5, Chap. 15, of his *Ethicks*, makes mention of the same
Distinction in the Words of *Antigone*, in these Words : " But
" one Branch of the Civil Law is of natural, and another of
" positive Institution. The natural is every where of equal
" Force, and independent of the Sentiments and Opinions,
" the Commands and Institutions of Mankind. But as for
" the positive Part, it was not originally a Matter of Indiffe-
" rence, whether it enjoined such and such Things or not ;
" but, after the Injunction, the Duties enjoined are no longer
" of an indifferent Nature." And 3 *Politic.* Cap. 18.
" These Laws are nobler, and relating to nobler Duties,
" which spring up with Nature, than those that are wrote in
" Codes and Institutes. *Vide* & 1 *Rhetor.* 10 and 13. This
" is the very Law which *Juvenal* speaks of in his 15th
" Satire :

*Sensum a cœlesti demissum traximus arte,
Cujus egent prona & terram spectantia. Munda*

Præd.

ture ; a Law which we have not by *Institution* but by *Constitution*, not derived from Authority, but existing with Consciousness. In short, my Lords, Statutes are silenc'd by Arms ; nor do they presume that a Man is to wait for Justice from the formal Decision of a Court, while the * Sword of Violence is ready to put an End to his Life.

EVEN

*Principio indulgit communis conditor illis
Tantum animas, nobis animum quoque ; mutuus ut nos
Affectus petere auxilium, & præstare juberet.*

" A social Sense of Good and Evil was by Heaven interwoven with our Make : This the Brute Creation are not blest'd with. To these our common Parent has only given animal Life, but to Man, a rational Soul and social Affections, nobly prompting him to the glorious Intercourses of Friendship and Humanity."

Demosthenes likewise speaks to this Purpose: " If all these Things shall be confirmed, not only by the Laws of the Land, but by the Guide of human Actions."

Cicero, in his Book *de Officiis*, speaks thus : " There is originally planted in every Species of Animals a Desire of preserving Life, and of shunning such Things as either appear destructive of it, or hurtful to it."

Gellius, Book 12, Chap. 5. introduces the Philosopher *Taurus* speaking thus : " The Author of Nature, whose Offspring we all are, has so effectually wrought the Principle of Self-love and Preservation into our Make and Constitution, that nothing can be dearer to us, nothing more highly valued by us than ourselves."

* *The Sword of Violence.*] This is likewise a very judicious and equitable Distinction : The Law, says our Author, does not regard the Instrument or the Event of a Fray, be it murderous ; but the Intention and Design with which it began. If, for Instance, a Man who travels shall kill with a Weapon another ; the Point of Enquiry in the Trial must be, not whether the Person so killing had a Weapon, but whether he wore that Weapon with a murderous Intention, or if he set out with such Intention. If he can prove that he employ'd his Weapon

to

EVEN that very Law which prohibits not only Murder, but the Carrying a Weapon with a Design to murder, wisely, and, in some measure, tacitly, establishes the Right of Self-defence; that, when the Enquiry is not upon the Manner, but the Reasons of a Man's being killed, the Person who kills another with a Weapon, in Self-defence, may never, in the Construction of the Law, be presumed to wear that Weapon with a murderous Intention: This, my Lords, I hope will be admitted as a Principle, and I make no doubt of being able to prove my Defence, if you keep in your Eye, what it is impossible you should lose Sight of, I mean the Lawfulness of killing the Man who lies in wait to murder you.

I COME now to consider an Objection which is frequently in the Mouths of *Milo's* Enemies; that the Killing of *Clodius* was declared by the Senate to be * an Act of Treason against the Commonwealth. But, my Lords,
how

to defend himself, his Wearing it was lawful; it was his Wearing it with a murderous Intention that render'd it criminal: But no Action in consequence of the Principle of Self-defence can be murderous. This is the great Strength of our Author's Pleading.

* *An Act of Treason.*] The Senate had two Ways of disapproving of any Thing: First, when it pronounc'd the Fact itself detrimental to the Republic: Or, secondly, when it pronounc'd

how often did the Senate, not only solemnly, but zealously approve the Action? How often was this Affair canvassed in that Assembly? How great was the Satisfaction of the whole Order? How loud, how unreserved their Applause? When in the fullest House were found four, or at most, five Senators, who did not take the Part of *Milo*? For the Truth of this, my Lords, I appeal to the * short-liv'd Harangues of that *scorched* Tribune, in which he every

nounc'd the Person who did the Thing among the Number of the Enemies. The former Sentence was conceived in more mild and gentle Terms than the latter; but there was in reality no great Difference between them. It is plain *Cicero* could not deny that there were two Decrees of the Senate relating to the Case of *Milo*: The one, *That this Murder was committed to the Detriment of the Commonwealth*; the other, *That Pompey should see that the Commonwealth should sustain no Damage*. By the former of which he was judged an Enemy who acted against the Republic: By the latter, *Pompey* was vested with a Power of raising an Army, waging War, exercising a coercive Power both over Citizens and Allies; and exercising a sovereign Authority both in the State and in the Army. These Decrees of the Senate undoubtedly bore so hard upon *Milo's* Cause, that he in a manner seem'd already condemn'd by the Senate. For this Reason *Cicero* endeavours to mitigate the former Decree of the Senate, and denies that it ever was the Intention of that Body to condemn the Conduct of *Milo* in this particular Case. Nay, by a Rhetorical Inversion, he maintains, that the Murder was approved of by the Sentence of the Senate; for the Adversaries reason'd from an equivocal Topic, because there was a great Difference betwixt these two Questions, viz. *Whether the Murder of Clodius was an Act against the Republic?* And this other, viz. *Whether it was an Act against the Republic thro' the Intention or Fault of Milo?*

* *Short-liv'd Harangues.*] The Expression here is *intermixture conciones*, which may be translated either as I have render'd it, or *insipid Harangues*.

every Day invidiously alledged, that the Senators decreed not according to their own Sentiments, but * in Compliance with my Direction; and daily inveighed against my *Power*. If you † choose to call it *Power*, rather than a reasonable Degree of Authority in a rightful Cause, to which one may have a Title by extraordinary Services to his Country; or a moderate Credit with worthy Men, on account of my painful Endeavours to promote the public Good; you may term it so, provided I shall always exert it in Protection of the Virtuous against the Fury of the Wicked.

BUT

* *In Compliance with my Direction.*] He said that I was so very powerful in the Senate, that not one of the Senate durst so much as mutter against me; and this he did with a Design to stir up the Envy of my Fellow-Citizens against me, and to represent me as sharing a more extensive Power than any Member of a free Commonwealth ought to do.

† *Choose to call it Power.*] Tho' in this Passage there is no glaring Pomp of Words, yet the Reader of Taste cannot fail to be struck and charm'd with the Art and Address of the Orator. Cicero knew well enough that the Word *Power* sounded harsh in Roman Ears: And that the Man, who was thought to possess it, stood a fairer Chance to be the Butt of Envy, than the Object of Love. He, therefore, in a most popular, but at the same time, in a most beautiful Manner, sinks (if I may so speak) as much of his Power as he possibly can, or rather disclaims it altogether; but does not forget to point at those Toils and Watchings, those Labours and Fatigues, that were the Steps by which he rose to it. "It can't be said, says he, that I possess any Share of Power; some Authority indeed I have; and that too is but moderate, since it only enables me to protect the Innocent, but not to elude the Force of the Law, by screening the Guilty from the Lash of Justice: But, since you will call it Power, let me not refuse the Name; provided, by the Thing itself, I can succour the Distress'd,
" and

BUT this * special Commission, tho' I am far from saying it is iniquitous, was what the Senate

“ and be extensively useful to my Fellow-Creatures.” *Cicero*, in his second Book *de Oratore*, shews how an Orator, who is possess'd with Power, ought to prevent, or at least mitigate and soften, the Envy arising to him from that Circumstance. “ But, “ when you want to allay Envy, you are to say, that such “ Honours were acquired thro' much Toil and many Dangers, “ and that they have not been applied to the Possessor's private Advantage, but to that of others; and that, if he has “ seem'd to have acquir'd any Glory, yet so self-denying he “ was, that, tho' he had justly earn'd it by his Dangers, it was “ so far from giving him Pleasure, that he undervalued and set “ it all aside. And we must by all means endeavour to beat “ down all their Reflection upon his Greatness, and to work “ upon our Speech so as that the Distinction of his Fortune “ should still be mingled with the Reflection upon his Toils “ and Hardships: The Reason of this is, because the World “ is apt to envy; it is the reigning, the standing Vice, and “ feeds upon exalted and flourishing Fortune. Compassion is “ moved, if the Hearer can be brought to apply to his own “ Case the afflicting Circumstances that are deplored in another's, whether they are already past, or dreaded; or, by “ looking upon another frequently, to turn his Eye into his “ own Breast.” How closely does *Cicero*, in this Passage, follow the Rules he had formerly laid down with so much Accuracy and Judgment?

* *But this special Commission.*] By the *Quæstio* the Romans meant that kind of public Trial in which the respective Prætor presided; under whose Cognizance any particular Crime came, as that of Adultery, for Instance. The *Cognitio*, on the other hand, was an extraordinary Trial, when either the Crime was so atrocious as to deserve an extraordinary Punishment, or such as had no particular Law against it. Before the Courts for Trials of this Nature were by *Sylla* render'd perpetual, the Persons who were to judge in these Crimes were chosen by the Senate: But, after they became perpetual, any Prætor took Cognizance of a Crime, provided it came within his particular Office. For this Reason *Cicero* complains that this Trial for the Murder of *Clodius* (which, belonging properly to the ordinary Law, ought to have come before the Prætor, who was to try Murder or Bloodshed during that Year;) was converted into an extraordinary Trial by the Senate's appointing a Judge.

Senate never thought fit to grant; because many Laws and Precedents, both with regard to Riots and Murders, are extant. Nor indeed was that Assembly so deeply affected by the Death of *Clodius*, as to * issue out any such extraordinary Commission. For who can imagine that the Senate, who was deprived of the Power of judging him upon the Commission of an † incestuous Whoredom, would grant any

* *Issue out, &c.*] This Reasoning is from a Parity of Circumstances: As by the Intercession of *Quintus Lucius Calenus*, the Tribune of the People, the Senate was deprived of a Power of appointing a new Trial with regard to the Incest of *Clodius*; who can believe that they should think of appointing an extraordinary one on account of his Murder? For when by a Decree of the Senate it was appointed that the People should institute Judges, in the Affair of *Clodius's* Incest, *Lucius Fufius Calenus*, a Tribune of the People, and an inveterate Enemy to *Cicero*, oppos'd it; which when *Hortensius* saw (tho' he had before stood up strongly for it) he tamely agreed to this, that *Lucius Fufius* should make a Motion to the People for *Clodius's* being try'd in common Form for Sacrilege.

† *Incestuous Rape.*] *Clodius* was accused of having committed this incestuous Rape in *Cæsar's* own House, upon his Wife *Pompeia*. That the Reader may not be at a Loss for the Reason of its being call'd incestuous, I must inform him, that the *Romans* stiled a Rape incestuous, not only when it was committed upon a Person's own Kinswoman, but also upon any of the Vestal Virgins, or any Woman immediately employ'd in performing the Rites or Ceremonies of any of their Gods. See *Isidorus*, Book 10, *Orig.* Thus, tho' *Pompeia* was neither a Vestal, nor the Kinswoman of *Clodius*, yet the Rape committed on her is said to be incestuous, because she was at that very Time performing the Service of the Goddess *Bona*; on which Occasion the Women were wont not only to abstain from touching Men, but even to banish them from the House in which the Rites were to be perform'd. Nay, they were so superstitiously rigid in this Particular, that they veil'd the Faces of all the Male Animals they had Occasion to see.

any extraordinary Commission for enquiring into the Circumstances of his Death? But why then (may it be said) did the Senate adjudge the Burning of the Court, the Attack upon the House of *Lepidus*, and this very Bloodshed, to be Acts of Treason against the Commonwealth? Because all Acts of Violence committed in a free State, by one Citizen against another, are, in the Eye of the Law, presumed to be committed against the State. For, tho' such a Defence against Violence is never *desirable*, yet sometimes it may be *unavoidable*; nay even on the Days when the *Gracchi* were killed, and when the armed Force of *Saturninus* was suppressed, when, tho' all was done for the public Welfare, yet the Republic received a Wound. Therefore I was of Opinion, that, when it appeared a Man was killed on the * *Appian Way*,
the

* *Appian Way*.] *Cicero* here artfully insinuates, that though the Senate had found the Fray upon the *Appian Way*, to be an Act of Treason against the Commonwealth; yet that *Milo* could never be affected by that Decree, because, says he, it was the Violence that constituted the Treason. Now, *Clodius*, the Aggressor, was the Author of the Violence, and not *Milo*, to whom the Principles of Self-defence, without any Regard to the Consequences, gave a Right to preserve his own Life. The Reader may here perceive, that, had *Milo* been try'd upon this general Decree of the Senate, which comprehended three Facts, he must have been acquitted, and his Adversaries condemn'd; because two of these Facts, which were the Burning of the Courts, could have easily been fix'd upon his Adversaries. These last were aware of this, and therefore had the Precaution to order it so, as that a special Trial might be appointed for the Murder of *Clodius*, which, having no Relation to the two posterior Facts,
depriv'd

the Person who acted on the defensive, was guilty of no Act of Treason against the State. But, as the Case included a Charge of premeditated Violence, I reserved the Cognizance of that to the proper Judges, and I admitted of the Fact. And, if the Fury of that seditious Tribune had suffered the Senate to act according to its own Sentiments, we should at this Time have had no new Commission for a Trial; for the Senate was coming to a Resolution, that the Affair should only be specially tried, according to our ancient Laws. * The Vote was divided, at whose Request I shall not say; for it is unnecessary to display the personal Faults of every Man; thus the Authority remaining in the Senate was by a mercenary Interposition abolished.

BUT it may be said, that *Pompey*, by the Bill which he brought in, had an Eye both to the *Action* and its *Motives*. For its enacting Clauses related to the Bloodshed committed in the *Appian Way*, where *Publius Clodius*

depriv'd *Milo* of all the Advantages he could take, by fixing the greatest Part of the Guilt, to which the Decree had a Reference, upon the Prosecutors themselves. See *Asconius's* Argument.

* *The Vote.*] The Vote was divided: When any of the Senators approved any one Part of a Bill, but disliked any other Clause of it, he desired that the Question might be *divided*; to the end, that neither the Whole of it might be rejected, nor every Part enacted.

dius was killed. But what did it enact? Why, that it may be try'd. What was to be try'd? Whether it was committed? Nobody disputes that it was. Then, by whom? That we likewise confess. Thus *Pompey* perceived, tho' the *Fact* was confessed, yet that still a Matter of *Law* might arise to acquit the Prisoner. I say, that, unless *Pompey* had been sensible that the Prisoner, upon Confession, might be acquitted, when he perceived that we confessed, he would never have ordered * a new Commission for a Trial, nor have put, my Lords, into your Hands a † *saving* as well as a *condemning* Letter. Surely to me, *Pompey* seems

* *A new Commission for a Trial.*] This is one of the most artful Strokes ever introduc'd into any Pleading: *Cicero* was well aware that *Pompey* was no Friend to *Milo*; and that it was intirely owing to him that this new Trial was appointed. He was likewise sensible that *Pompey's* Authority was so great, as to render it almost impossible for him to carry his Point, should he flatly accuse him of Partiality: Therefore, by a very unusual Address, he finds Means to insinuate, that *Pompey* was really *Milo's* Friend: This he does by insinuating, in the first place, as if *Pompey* had known that, if *Milo* should be admitted to prove his Plea of Self-defence, he could easily do it, and must therefore be acquitted. In the next place, that *Pompey* had found Means to raise such Men to the Bench on that Occasion, as were *Milo's* Friends. And lastly, as if all he had done seemingly severe against *Milo* had been owing to the Necessity of the Juncture, and a Regard to his own Character.

† *A saving as well as a condemning Letter.*] The Letter (A) is by *Cicero* stiled a lucky Letter; because when the Judges put it into a certain Urn, designed for that Purpose, they thereby acquitted the Criminal, and pronounc'd him innocent; as the Letter (C) is on the other hand stil'd an unlucky, or inauspicious Letter; because the Judges, by putting it into the Urn, condemned the Party at the Bar.

seems not only to have decreed nothing harsh against *Milo*, but his Decision appears to direct you in the Point which you ought principally to have in View. For, to grant a Person, who is convicted of a Fact upon his own Confession, the Liberty of making his own Defence, is a plain Implication that the Judges are of Opinion, that the Enquiry ought not to be upon the Matter of *Fact* but of *Law*. Now *Pompey* is at Freedom candidly to declare, whether his Proceeding in this Affair was from a Regard to the Memory of *Clodius*, or to the Necessity of the Juncture.

* *M. Drusus*, a Tribune of the People, a Man of the highest Quality, an Assertor, nay, in these Days, almost the Protector of the Rights of the Senate, and Uncle to the brave *Marcus Cato*, one of our Judges, was killed in his own House. But the People never intermeddled with

E with
* *Marcus Livius Drusus* (who by *Velleius*, in his second Book, is stiled a Man most brave, most eloquent, and powerful ; and who, according to *Plutarch*, was a leading Man in the Senate) when he saw the whole Senate groaning under the seditious Laws of *Tiberius Gracchus*, he conceived a Design of restoring it to its former Dignity, and recovering its wonted Authority, which was now lodged in the Equestrian Order. The better to carry on his Design, he pretended to be in the Interests of the People; and promised to bestow the Liberty of the City upon all the *Latins* ; which, when he delayed to do, they in a very sharp Manner demanded that he would stand to his Promise : At length, when the People understood that he had so played the Hypocrite with them, an unknown Party of them slew him in his own House.

with the Enquiry into this Murder, nor did the Senate grant any extraordinary Commission for a Trial on that Account. We have heard from our Fathers the Grief, the Consternation, which appeared in this City, when *Publius * Africanus* in the Night-time was assassinated, as he reposed on his own Bed. What Breast then was so obdurate as not to sigh, what Heart so insensible as not to grieve, that a Man whom the Wishes of Mankind, could Wishes have prevailed, would have rendered immortal, should be cut off before the natural Course of his Life was fulfilled?

Was then no new Trial granted for enquiring into the Death of *Africanus*? None: Why? Because Murder is † equally heinous in its own Nature, whether it is the Fate of the Eminent or the Obscure. A Difference indeed lies in the two Characters; but the impious Murder of the one is subjected to the same Penalty, and

* *Africanus in the Night-time.*] *Publius Africanus Minor*, opposing the Triumviri, *Caius Gracchus*, *Lucius Fulvius*, and *Cneius Carbo*, for making an Attempt to divide the Lands, was found dead in his Chamber in the Morning, though the Day before he had returned from the Senate. There was no Search made who were his Murderers.

† *Equally heinous.*] *Cicero*, if not a professed Stoic, was yet at least a great Admirer of the Notions of that Sect, for one of which he thus argues, *viz.* "That all Crimes are equally black in their own Natures; and that the Morality of Actions is rather to be esteemed from the Motives of the Agent, than from their good or bad Effects upon Society."

and judged by the same Laws, with that of the other; unless it be said that the Crimes of a Parricide receive some Aggravation from his killing a Senator, beyond what they would have admitted of, had he been the Murderer of a private Person; or that the Circumstances of the Death of *Clodius* were more heinous, as he fell upon the Monuments of his Family; for that too has been insisted upon; as if the great *Appius Cæcus* had paved that Road, not to be a Conveniency, and an Ornament to his Country, but as a Sanctuary to screen the Felonies of his Posterity.

WHEN *P. Clodius* on the same Road * killed *M. Papirius*, that accomplished Roman Knight, his Crime must pass unpunished; for, as he was a Person of Quality, he had only killed a Roman Knight upon the Monuments of his own Family. What a fruitful Source of Declamation has this *Appian* Name afforded! While it was stained with the Murder of a brave and an innocent Man, it was never mentioned; but

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now,

* Killed Marcus Papirius.] The Son of *Tigranes* was kept at Rome by one *Valerius*, a Roman Knight. At a Feast *Clodius* asked his Liberty of *Flavius*, knocked off his Chains, and put him on board a Vessel for his native Country; but he was driven back by a Tempest. When this Youth was committed by *Sextus Clodius*, to be delivered to *Pompey*, who re-demanded him, *Flavius* marched forth with a Design to rescue him, and a Skirmish ensued about four Miles from the Town; in which *Papirius*, a Roman Knight, lost his Life.

now, that it is discoloured with the Blood of a Robber and a Murderer, it is become a Common-place of Conversation. But why do I dwell upon these Circumstances? When a Slave of *P. Clodius* was seized * in the Temple of *Castor*, where he had been placed to assassinate *Pompey*, the Wretch confessed the Design, as they were wresting the Dagger out of his Hand. *Pompey* afterwards absented from the *Forum*, he absented from the Senate, he absented from the Public, and thought fit to put himself under the Protection of the Walls and Gates of his House, rather than of the Laws and Judges of his Country. But did any Law at that Time pass? Was any extraordinary Commission for a Trial then granted? Yet if ever any Circumstance was so affecting, if ever any Person was of such Dignity, if ever any Juncture was of such Importance, as to make that Measure expedient; in this Case they strongly operated: A Traitor was posted in the *Forum*, even in the Threshold of the Senate-house, with a Design to assassinate the Man upon whose Life the Preservation of the State depended, and at a Juncture too, so critical to the Republic, that, had he then fallen, not only this City, but the Body of the *Roman Empire*, must have shared in his Fate. And did he escape Punishment, only because his Designs proved

* *The Temple of Castor.*] The Temple of *Castor* was contiguous to the *Forum* and the Senate-house.

ved abortive? As if the Laws of *Rome* were to regard, not the Intention of the Criminal, but the Success of his Crime. The Villainy, not being perpetrated, did indeed alleviate the Grief of the Public, but never could extenuate the Guilt of the Villain.

How often, my Lords, have I myself escaped the threatening Sword, and butchering Hand of *Clodius*? And if I had not owed my Safety to my own, or my Country's good Fortune, where is the Man who would have procured an extraordinary Trial upon my Death? But it is weak in me to presume to compare a *Drusus*, an *Africanus*, a *Pompey*, or a *Cicero* to *Clodius*: Their Lives could easily be dispensed with; but, at the Thought of the Death of *Clodius*, the Senate is afflicted; the whole Equestrian Order grieved, the City all of a sudden is struck with Age and Infirmary, the *Roman* Corporations are in Mourning, our Colonies in Consternation, even the Fields themselves regret the Loss of a Citizen, so benevolent, so upright, and so humane. These were not, my Lords, indeed they were not, the Reasons why *Pompey* thought himself obliged to order a Commission for a special Trial. But that prudent Person, who is endued with an almost divine Penetration, comprehended many Points within his View. He reflected that *Clodius*

dus * had been his Enemy, that *Milo* was his Friend, and justly dreaded, that, if he appeared to share in the general Joy, he might appear insincere in the Ties of a newly-cemented Friendship.

HE had a great many other Circumstances in his Eye; but this especially, that, tho' he was obliged to enact with Severity, yet, that you, my Lords, would judge with Courage. He therefore chose for Judges the very Lights of our most illustrious Bodies, nor, as has been falsely asserted, did he keep my Friends out of the Commission. This is what that excellent Person never had in his *Thoughts*; and, if he confined his Choice of the Judges to Men of Probity and Honour, he could not have had it in his Power. My Interest, my Lords, is not confined to my † intimate Friends, who cannot be numerous, because the endearing Familiarities of Life can never be very extensive; but, if I have any Interest, it is owing to the Con-

nexions

* *Dio*, in the xxxixth Book of his History, gives us an Account of this Reconciliation; which was by *Clodius* taking *Pompey's* Part, and appearing in his ordinary Dress, after the Senate had decreed a public Mourning, because they could not prevent *Pompey* and *Crassus* from soliciting the Consulship for the second Time.

† *Plutarch*, in a Treatise of his upon Multiplicity of Friendships, has a fine Passage upon this Subject: *As Rivers*, says he, *when divided into many Streams flow shallow and languid, so Passion, when dissipated amongst many Objects, is feeble and ineffectual.*

nexions which my public Character has led me into with the best Men in the Commonwealth. As *Pompey*, therefore, wisely thought that his Reputation was interested in choosing the *best* from among all *good* Men to sit upon that Tribunal, he was under a Necessity of choosing my Friends.

IN making you, * *Lucius Domitius*, the President of this Court, he consulted nothing but Equity, Resolution, Humanity, and Honour. By his Law he enacted, that the President of this Court should be a Person of † Consular Dignity; because, I suppose, he held it as a Maxim, that Men of Distinction ought to be Proof against the Attacks, both of an inconstant Populace and a desperate Faction: And that he distinguished you from the rest of your Order, is owing to the many conspicuous Proofs, which from your early Youth you have given of your Contempt of popular Madness.

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THERE-

* *Lucius Domitius*.] *Cneius Manlius* seditiously enacted a Law, that the Freed-men of every Tribe should be vested with a Power of voting: And, when he had forcibly taken Possession of the Capitol, he was driven from it by *Cneius Domitius*, the Prætor, and many of his Followers slain.

† It was very unusual for any Person of Consular Dignity to try a Roman Citizen. *Pomponius de Orig. Jur. l. ii. §. 22.* says, that this was the Province of the *Quæstors* who were created Presidents of Criminal Courts; nor could a Consular sit there, but by special Appointment of the People. It is true, *Domitius* was not immediately appointed President of this Court by the People, but the People had devolved all their Power upon *Pompey*.

THEREFORE, my Lords, that we may at last come to the Nature of this Crime, and the Merits of the Question; if the Confession of the Fact is by no Means unprecedented, if the Determination of the Senate has been intirely agreeable to what we contended for, if the very Enactor of the Law was of Opinion, that, though no Question of Fact could arise, yet there might of Law; if the Judges who were chosen, if the President who was appointed, were Men who can distinguish upon all those Points with Equity and Understanding, all that remains now, my Lords, to be discussed is, who the Party was that laid the Ambush for the other. That I may more easily and clearly handle this Point, I beg your Attention, while I give a short State of the Fact.

AFTER *Publius Clodius* had resolved, when created Prætor, to plague his Country with every Species of Oppression, and saw from the tedious Management of the *Comitia* the Year before, that he could not for many Months enjoy his Dignity; not considering it as a Step to other public Honours, as the rest of the Candidates did; unwilling to act as Colleague with a Citizen of the consummate Virtue of * *Lucius*

* *Lucius Paulus*.] *Lucius Paulus*, says *Cicero* against *Vatinius*, was a Man designed by Nature for supporting and defending the Commonwealth. *Clodius* refused him as his Colleague, upon the Account of his spotless Honour, and untainted Character.

cius Paulus, and desirous of having his Power to oppress his Country extended to twelve Months, he all of a sudden reserved the Interest, he had made for that Year, to the succeeding; not from any * religious Scruple, but, as he himself owned, that he might have a full and complete Year for enjoying his Prætorship, or, in other Words, for *ruining his Country*.

He reflected, that the Exercise of his Prætorial Power must be cramped and feeble, should *Milo* be Consul, whom he perceived the universal Applause of the *Roman* People was ready to raise to that Dignity. He then struck in with the † Candidates who opposed *Milo*, but so, as to manage the whole Sollicitations, and overrule them in every Instance; that, as he himself boasted, he might support all the Courts of Justice upon his own Shoulders: ‡ He summoned the Tribes: He thrust himself into their

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* *Orig. Religione aliqua.* The Word *Religio* had a very different Signification amongst the *Romans*, from what the Word *Religion* has with us. Nothing was more common than for a seditious Magistrate to pretend some wayward Omen, or superstitious Trifle, and thereby break off the Business of the most important Assemblies. The *Romans* were extremely tender-conscienced in this Point, and it produced great Inconveniences to their State.

† When *Milo* stood Candidate for the Consulate, he had for Competitors *Publius Plautius Hypsæus* and *Quintus Metellus Scipio*, who were not only profuse in their Largeesses, but also backed with Factions of armed Men.

‡ At first the whole Body of the *Roman* People was divided into three Parts, and upon that Account called Tribes:

But,

Deliberations, and formed a new *Collinian* Tribe, by enrolling into it a Number of the most abandoned Citizens. The more that *Clodius* endeavoured to confound, the more *Milo* appeared to prevail. But, when the execrable Villain saw this brave Man, this irreconcilable Foe, must infallibly be Consul ; when he found his Election sure, not only by the Discourses, but by the Votes of the *Roman* People, he then threw off the Mask, and openly declared that *Milo* must be slain.

HE next brought from the * *Apennines* those rustic † barbarous Slaves, whom you used to see, by whom he had depopulated the public Forests and plundered *Tuscany*. This was by no means a dark Transaction, for he openly boasted, that, if he could not deprive *Milo* of the Consulate, he could of his Life. This he hinted in the Senate,

But, the People afterwards growing numerous, they were divided into thirty-five ; but still retained their old Names of Tribes. Every one of these thirty-five Tribes had its respective Ward allotted for it, to serve as a Boundary betwixt it and the rest of the Tribes, during the Holding of the *Comitia*.

Clodius promised to transplant a Colony, provided he obtained the *Prætorship*. This he did with a View to bring the Poor over to his Interest, and procure their Voices.

* It was customary for those of the *Romans* who were rich, to keep a great Number of Servants, upon their Country Farms ; some of them would keep to the Number of 10,000 of them.

† All Foreigners were by the *Romans* called Barbarians, either because they spoke a Language different from their own, or because they had an unpolite and uncourtly Turn in their Behaviour.

The

nate, and declared in the Assembly: For * when *Favonius*, a Man of Virtue and Courage, asked him, What had become of all his Hopes of gratifying his Fury, if *Milo* lived? He answered, *That in three or four Days Milo should be dead.* This Expression was immediately communicated to *Marcus Cato* by *Favonius*.

IN the mean Time, as soon as *Clodius* knew, as it was easy for him to do, that *Milo* was to set out upon a solemn, a legal, an indispensable Duty, and that he was obliged by the 18th of *January* to be at † *Lanuvium*, where he was Dictator, in order to appoint a Priest, he suddenly went from *Rome*, as appears by the Event, that he might surprize *Milo* in his own Grounds. Nay, he was so precipitately bent upon his Treachery, as to leave ‡ a tumultuous Meeting which he had summoned that very Day, and which required to be animated by his own factious

The *Apenine* Mountains are about six hundred Miles in Length, and divide *Italy* into two Parts.

* *Favonius* was a Man much carested by *Cato*, and a thorough Admirer of his Constancy and Principles.

† *Lanuvium* is a free Borough, about twelve Miles distant from *Rome*, and is by *Appian* said to be built by *Diomedes*, upon his Landing in *Italy* after the Siege of *Troy*. In it is the famous Temple of *Juno*, the Goddess of Health; to officiate in which Temple a Priest was yearly appointed by the Dictator.

‡ The same Day on which *Clodius* was killed, *Caius Sallustius* and *Quintus Pompeius*, Tribunes of the People, both inveterate Enemies to *Milo*, made Speeches tending to sow the Seeds of Mutiny and Faction in the Minds of the People, but especially *Pompeius*.

tious Spirit. This he never would have done, had he not been resolved to be exact to the precise Time and Place of the Assassination.

BUT *Milo*, after having been in the Senate that Day till the House broke up, came Home, shifted his * Shoes and his Cloaths, and, as usual, waited a little while his Wife was getting ready. He then set out, much about the Time when *Clodius*, had he designed to come to *Rome* that Day, might have returned. *Clodius* meets him, equipped, upon Horse-back, unattended by his Chariot, without any Incumbrances, without any of his usual *Grecian* † Servants, and, what was more extraordinary, ‡ without his Wife. While the Traitor before you, who had set out with a murderous Intention, was riding in a Chariot with his § Wife, muffled up in his Cloak, surrounded by a numerous Incumbrance of common Servants, fearful Women, and feeble Boys.

ABOUT

* The Shoes were a distinguishing Mark of a Senator, and a Part of his Senatorial Dress.

† The richer Sort of the *Romans*, when they travelled, were for the most part accompanied with some *Grecians*, who were either Musicians for their Diversion, or Philosophers for their Improvement and Instruction.

‡ *Milo* had for his Wife *Fausa*, the Daughter of *Sylla*, the Dictator.

§ *Clodius* had for his Wife one *Fulvia*, who was afterwards married to *Antonius*: She bore *Cicero* such an implacable Hatred, that after his Death she spit upon his Head, and thrust a Bodkin through his Tongue.

ABOUT an Hour before * Sun-set he meets *Clodius* near his own Estate; a Body of Men, taking Advantage of a rising Ground, immediately attack him with their Darts; his Coachman is killed; he himself, throwing off his Cloak, springs to the Ground, that he might sell his Life as dear as he could. The Party which was with *Clodius*, drawing their Swords, run back to the Chariot that they might attack him behind; another Party, who imagined him already dead, began to murder his Slaves who had not come up; some of them, who were true to their Master, and were most forward, were killed; while the others saw the Encounter near the Chariot, and, unable to advance to their Master's Assistance, heard from *Clodius* himself that he was dead, and actually believed he was: The Slaves of *Milo* then acted, I speak it not with an Intention to shift the Charge, but to represent the *Fact*, without the Orders, without the Knowledge, without the Presence of their Master, † as every Man would wish his own

* The *Romans* reckoned twelve Hours from the Rising to the Setting of the Sun; which Hours were longer or shorter according to the Length or Shortness of the Days. And, as this Engagement happened on the 20th Day of *January*, their seventh Hour will correspond to our Half an Hour after Three in the Afternoon.

† The Address which *Cicero* here uses, in evading the Grossness of Expression, has been greatly and justly celebrated by *Quintilian* and others. Our Author seems to have borrowed it from an Expression of the same Kind, in the Oration of *Demosthenes*

own Servants should act, were he in the like Circumstances.

WHAT I have laid before you, my Lords, is the naked *Fact*; the Traitor was conquered, *Force* was repelled by *Force*, or rather Audaciousness was overpowered by Courage. I shall not mention the Consequences of this Action to the Republic, to you, it's Consequences to every good Man: They are not, it is true, of any Service to *Milo*, whose Destiny is such, that he could not even preserve himself without saving you and his Country. If this was unwarrantable, I will then give up his Defence; but if Reason prescribes to the Instructed, Necessity to Barbarians, Custom to Nations, and Instinct to Brutes, that they ought, by every Mean they can call in to their Assistance, to repel all Violence

thenes against Midias. There is, among many other Instances of the like Evasion among the *Greeks*, a People remarkable for Decency of this Kind, a fine one in *Æschylus's* Tragedy of *Agamemnon*, where the Chorus, speaking of *Iphigenia's* Death, says:

Τὰ δ' ἔνθεν, ἢ τ' εἶδον, ἢ τ' ἐνέπων,
Τεχναὶ δὲ Κάλχαντος ἔκρανται.

*I neither saw nor speak what follow'd next,
But Calchas' Arts obtain'd too well their Ends.*

But the prettiest Instance I know of this Manner, in any Author, is in *Herodotus*, who, speaking of a Person who must either die himself, or kill his Master, says: Ἐώρα ἀναγκαῖον ἄληθέως προχειμένον, ἢ τὸν δεσποτέρα κτείνειν, ἢ αὐτὸν ὑπὸ ἄλλων ἀπολλύσθαι αἰρέεται αὐτὸς περὶναι. He perceived the fatal Alternative; his Master must either fall by his Hand or he by that of another; — he chose to be the Survivor. Lib. I.

lence offered to their Bodies, * their Reputations, or Lives: You, my Lords, surely cannot adjudge this to be an unlawful Action, without at the same Time putting every Man, who falls into the Hands of Ruffians, upon the melancholy Alternative of perishing, either by their Swords, or your Decisions.

HAD *Milo*, my Lords, been of this Opinion, it had been much more eligible for him to have exposed his Throat to the Sword of *Clodius*, more than once before lifted against his Life, than to be put to Death by you, only for refusing to be butchered by him. But, if you are unanimously of a contrary Opinion, the proper Question then is not, if *Clodius* was killed, for that we confess, but if he was killed *justly* or *unjustly*; a Point of Inquiry that has been before canvassed in many Trials. That Treachery has been practised, is certain; and this is what the Senate adjudged to be an Act of Treason. By whom it was practised is uncertain, therefore this Court was constituted to inquire. Thus the Decree of the Senate related to the *Action*, not to the *Man*; and *Pompey* appointed the Trial,

* None of the Commentators upon this Oration have taken Notice, that *Cicero* here uses two Words which are generally thought to be synonymous; a *Capite*, a *Vita sua*; but *Caput*, in the *Roman* Law, signified a Man's Reputation or Character in Life, which was supposed to be as dear as Life; hence a Trial of Bankruptcy, or any Scandal which implied Infamy, tho' the Punishment was not Death, is called *Causa Capitalis*. See my Notes upon the Oration for *Quintus*, Vol. iii.

Trial, not upon the Matter of *Fact*, but of *Law*. Is there therefore nothing else to be decided here but who was the Aggressor? Nothing. If *Milo* was, whether he ought to be unpunished? If *Clodius* was, whether he ought not to be acquitted?

BUT how can it be proved that *Clodius* way-laid *Milo*? It is enough, my Lords, if so lawless, so presumptuous a Brute found strong Reasons persuading, flattering Hopes inviting, and vast Advantages arising from the Death of *Milo*. The Question of * *Cassius* therefore, WHAT END COULD IT SERVE, is very applicable here. Though no Advantage can tempt good Men, very trifling Considerations lead the Wicked into Crimes. *Clodius*, by the Death of *Milo*, was to gain not only this Point, that, when he should be Prætor, the Villainy of his Conduct could be under no Check from *Milo* as Consul, but likewise, that he must have been Prætor under such Consuls, by whose *Connivance*, if not *Assistance*, he still hoped that † he might brave the Re-
public

* *Cassius*, says *Asconius*, was a Man of uncommon Severity; and always, when he was Examiner in any Case of Murder, he not only exhorted, but commanded the Judges that they should inquire, what Prospect of Advantage could arise to the Murderer from the Fact. *Valerius Maximus*, lib. iii. cap. 7. reports, that his Tribunal, upon account of his unreasonable Severity, was commonly called the Rock on which the Guilty split.

† The Commentators, who are always most teizingly officious where their Assistance is least required, are silent upon the
the

public in his frantic Projects; he farther conjectured, that they would not, had it been in their Power, oppose his Designs, since they lay under so strong Obligations to him; and that, perhaps, it might have been out of their Power, had they attempted to chastise the Presumption of so abandoned a Wretch, now confirmed and hardened by a long Perseverance in Wickedness.

ARE you, my Lords, alone ignorant? Are you only Passengers in this City? Are you Strangers to what was the common Talk of the
F Town,

the Original here, which is, *Sperasset se rempublicam eludere in illis suis cogitatis furoribus*. The President Boulier, who wrote some sensible Notes upon the *Catilinarian* Orations, agrees with *Muretus* in supposing it to be a *Gladiatorian* Term to express the Flourishes which the Combatants made with their Swords over their vanquished Foes, and that it is extremely well adapted here by *Cicero*. But he afterwards is inclined to believe that the Whole ought to be read, *Sperasset se rempublicam ELIDERE in illis suis CONCITATIS furoribus*. What inclines him to be of this Opinion, both with regard to this Passage, and that in the Beginning of the first *Catilinarian* Oration, where he reads, *Quamdiu etiam furor iste tuus nos ELIDET*, is because *Cicero* could not, says he, with any Propriety, say that *Catiline* was braving then the Common-wealth as a *Gladiator* does a vanquished Foe, since his Practices were actually then disconcerted and discovered. But it is surprising the President should be under this Mistake. For *Cicero*, in all the Sentences that immediately follow, inveighs against him for his Impudence, in behaving as if (notwithstanding he knew he was discovered in his Treasons) he had his Sword at the Throat of his Country: And this Expression, in a few Lines after, well explaining this, *Notat*, says he, *et designat ad eadem unumquemque nostrum*. I shall not therefore pretend to make any Alteration in the Reading here, especially as the *Gladiatorian* Term so very well agrees with the Character of *Clodius*, and as I do not apprehend the Metaphor of *Elidere rempublicam* to be quite easy or natural.

Town, which makes no Secret of the Laws (if they deserve that Name rather than that of the Torches and Plagues of the City) with which he designed to brand and to fetter us all? * *Sextus Clodius*, produce, produce, produce, I say, that Register of your Laws, which they say you snatched like another † *Palladium* from his House, amidst the Terror of Arms and nocturnal Riot, that you may transfer that illustrious Legacy, that System of Government to some future Tribune, if you can meet with any such, whose Conduct shall be directed by your Will. Now he surveys me with that Look, that Insolence of Look, with which to every Citizen he used to threaten every Insult: ‡ I am indeed struck with that Light which breaks from our Courts of Law. But can you imagine, *Sextus*, that I am incensed against you? You, who inflicted a more cruel Punish-

* This *Sextus Clodius* was a Kinsman of *Clodius*, and is by *Cicero* often called his *Amanuensis*. *Asconius* says, that he brought the Body of *Clodius* into the Senate-House.

† The *Palladium* was a wooden Image of *Pallas*, which the *Trojans* imagined had fallen from Heaven into an uncovered Temple: Upon consulting the Oracle, they were told that *Troy* should be safe so long as it remained there. Some think that *Diomedes*, others that *Ulysses* carried it off; however the Matter be, certain it is, that it was lodged in the Temple of *Vesta*, and rescued from the Flames of that Edifice, by *Metellus* the High Priest.

‡ There is a very delicate Irony here, *Movet me quidem lumen curiæ*, which may be translated as I have, and is at the same Time a humorous Taunt upon *Sextus Clodius*, a busy pragmatical ignorant Demagogue, whom in Raillery he terms the Light of the Courts of Law.

Punishment upon the Man I most hated, than my Humanity suffered me to require? You threw the bloody Coarse of *Publius Clodius* out of his House, you threw it into the public Streets; you by Night abandoned it, stripped of its Images,* Pageantry, Pomp and Praise, half consumed with † unhallowed Wood, as a Prey to prowling Dogs. All this, ‡ though you did it to a lawless Wretch, yet can I not commend it; but, as my Enemy was the Object of your Cruelty, surely I have no Reason to be offended.

You saw, my Lords, that the Prætorship of
F 2 *Clodius*

* *Pliny* tells us, that the Halls of the great Men, amongst the *Romans*, were adorned with the Images of their deceased Friends, done in Wax; and that, when any of the Family was to be buried, these Images were to be carried along in Procession with the Corps.

When any one of a noble and illustrious Family died, one of the Friends was pitched upon to praise the deceased Person: Hence Funeral Orations drew their Origin.

† *Pedanius* says, that, when *Sextus Clodius* was Commander, the People brought the Body of *Publius Clodius* into the Senate-house, and burnt it with the Desks, the Judgment-seats, the Tables, and the Books; by which Fire the Senate-house was set on Fire, and the *Porcia Basilica*, which was contiguous to it, was burnt down. But at the Funeral of great Men Amomum and Balsom were used.

‡ There is a double Reading here, which has occasioned a great deal of ridiculous Altercation amongst the Commentators. One Set reads *Et si nefarie fecisti*; the other, *Et si necessario fecisti*, but neither of them with much Consistence of Sense; I should be willing to venture the Alteration of three Letters, and read, *Quam rem etsi NEFARIO fecisti*. This Alteration renders the Sentence and the Sense compleat; nor is it at all violent, when we consider the frequent Mistakes which happen through the Contraction or Omission of Transcribers in the last Letters of Words.

Clodius could neither have begun nor ended, without putting the Public under the strongest Apprehensions of a fatal Revolution, unless the Man, who had both the Courage and Ability to controul him, should be Consul. As the whole *Roman* People threw their Eyes upon *Milo* for this Purpose, what Citizen could have hesitated a Moment to have bestowed his Vote in delivering himself from Dread, and his Country from Danger? But, now that *Clodius* is removed, it requires extraordinary Efforts in *Milo* to support his Election. The Glory which was peculiar to him, and which daily increased by his stemming the *Clodian* Fury, is now vanished by the Death of *Clodius*. You, my Lords, need now fear no Citizen; but *Milo* has lost the Object that exercised his Courage, the Interest that supported his Election, and the Fountain that supplied his Glory. The Election of *Milo* to the Consulate, which in the Life-time of *Clodius* could not be defeated, now that he is dead, begins to be disputed. Thus the Death of *Clodius* not only is of no Advantage to, but has weakened the Interest of *Milo*.

BUT it may be said that Hatred prevailed, Anger prompted, and Resentment pushed him on; he avenged his own Wrongs, he redressed his own Grievances. No, my Lords, I will prove that these were Motives, I will not say
more

more prevalent in *Clodius* than in *Milo*, but existing with the one in the highest Degree, with the other in none; and what require you more? For why should *Milo* bear to *Clodius*, that Source, that Ripener of his Glory, any other Resentment than what every Patriot ought to bear to every Ruffian? But the Enmity of *Clodius* was grounded first on *Milo*, being the Restorer and Protector of my Liberty and Life; then upon his opposing and controuling his Violence and Fury; and lastly, upon his commencing his Accuser: For *Clodius*, as long as he lived, was liable to be convicted by *Milo* upon the * *Plotian* Law. Can you, my Lords, imagine that all this could go easily down with the overbearing Spirit of *Clodius*? How deep, and in an unjust Person even how justifiable, must have been his Hatred?

It now remains that *Clodius* should be vindicated by Arguments drawn from his Manners and Character, and that these must convict *Milo*. It must be proved that *Clodius* was all Gentleness, and *Milo* all Violence! How so, my Lords? When I bid my † melancholy Adieu

F 3

to

* The *Plotian* Law was a Law enacted by *Marcus Plotius Sylvanus*, the Tribune of the People, enjoining a Court to sit upon those who committed public Outrages by the Assistance of armed Men.

† When *Cicero* lost the Plea in Agitation between him and *Clodius*, he cloathed himself in a mean Garb, and made his Address

to you and this City, did I decline standing my Trial, or did I not retire from the Slaves, the Arms, and the Outrages of *Clodius*? Then where was the Justice in restoring me to Liberty, if he could be justified in driving me into Exile? He had summoned me, I know he had, to take my Trial; he had amerced me in a Fine, and impeached me of Treason. Had I Reason to dread the Event of a Trial in a Cause which, as it related to you, was infamous, and, as it concerned me, inglorious? Was this the Case? No, but I was unwilling to expose my Countrymen, whose Liberties my Counsels had preserved, and whose Lives my Dangers had saved, to the Swords of needy Slaves and profligate Citizens.

I SAW, my Lords, I saw * *Quintus Hortensius*, the present Light and Ornament of the Re-

dress to the People: *Clodius*, to prevent his Applications of this Kind, followed him through all the Streets, attended with a Crowd of foul-mouthed Fellows, who not only insolently upbraided *Cicero* with his having changed his Dress, but likewise threw Stones at him, and bespattered him with Dirt.

Many of *Cicero's* Friends advised him, before he went into Banishment, to try his Fate in Arms against *Clodius*; but, having the Welfare and Happiness of his Fellow-Citizens much at Heart, he gloriously resolved rather to banish himself than expose them to Danger.

* When *Cicero* had the Sentence passed upon him by *Clodius*, the Senate and People of *Rome* inclined to order him to wear a mean and plain Dress; but the Consuls *Piso* and *Gabinus* vigorously opposed this Motion. *Clodius* strutted about the Senate-house, attended by his Guards, and dressed in his military Robes; some

Republic, almost assassinated by Slaves while he assisted me; and in the same Tumult, the excellent *Marcus Vibienus* a Senator, who was in his Company, was mortally wounded. When did the Dagger bequeathed to *Clodius* by * *Catiline* afterwards rest in its Sheath? He aimed it at me; but I was unwilling that you, my Lords, should intercept the Stroke. It threatened the Life of † *Pompey*, and stained the *Appian* Way, that Monument of the *Clodian* Family, with the Blood of *Papyrius*. The same, the very same Dagger, you know it, was, after long Intermision, again lifted to my Breast, and lately had almost put an End to my Days at the ‡ *Palatium*.

Is there any Parallel to this in the Character of *Milo*? Of *Milo*, my Lords, whose Power was never forceably exerted but in preventing *Clodius*, when he could not be brought to the *Justice*, from violating the *Peace* of his Country.

F 4

some Senators sallied forth from the House, and, tearing their Cloaths, a Kind of Tumult ensued, in which *Hortensius* was wounded by the Soldiers.

* *Clodius* was firmly attached to the Interests of *Catiline*.

† *Clodius* had appointed a Cut-throat to lie in Ambuscade for the Life of *Pompey*.

‡ *Via Sæva* was a Street in *Rome*, so called from the Sacrifices in it, offered up by *Tullus* and *Romulus*. It began where the Church of St. *Clement* and the Amphitheatre of *Vespasian* now stand; and, going to the Foot of the *Palatine* Mount, it ended near the Capitol, or at that Place which has since been called the Arch of *Septimius Severus*. It was the most noted Street in all *Rome*; in it stood the *Regia*, or King's House.

try. Had his Intention been to kill him, what full, what frequent, what glorious Opportunities had he? Must he not have been justified by every Law of Self-defence, had the Ruffian fallen in the Attack he made upon his House and Household Gods? Was not the Life of *Clodius* at the Mercy of *Milo*, when his Colleague * *Publius Sextus*, a Citizen of distinguished Merit and Courage, was wounded? And again, when the excellent † *Quintus Fabricius* was abused, and when the *Forum* was polluted with the Blood of innocent *Romans*, upon his proposing the Law which reversed my Banishment? Again, when the House of *Lucius Cæcilius*, that brave, that equitable Prætor, was assaulted? Again, when the Law in my Favour passed? When the chearful Voice of the assembled People of all *Italy*, aroused by a Concern for my Safety, chearfully decreed to *Milo* the Merit of my Deliverance; and, had he then struck the Blow, *Rome* herself would have been proud to have shared in the Glory.

AT that Time the noble and brave ‡ *Publius Lentulus*, the Enemy of *Clodius*, the Avenger

* *Sextus* was a Tribune of the People, and the Favourers of *Clodius*, having assembled, made an Attack upon him, because he had given his Vote for *Cicero's* Return.

† *Quintus Fabricius* was also a Tribune of the People along with *Sextus*, and treated by the *Clodians* in the same Manner, for attempting to get a Law passed for *Cicero's* Return.

‡ *Publius Lentulus Spintber*, who was a great Friend to *Cicero*, called him Home under his Consulate.

ger of his Crimes, the Protector of the Senate, the Assertor of your Authority, the Patron of that public Meeting, and the Restorer of my Safety, was Consul : Seven Prætors, eight Tribunes of the People, opposed *Clodius* and favoured me. * *Pompey* too, the Proposer and Patron of my Return, whom all the Senate seconded in that important, that illustrious Decree which reversed my Banishment, was his Enemy. *Pompey*, who encouraged the *Roman* People; and who, upon the Decree past in my Favour at † *Capua*, gave out the Watchword that united all *Italy*, then imploring the Sanction of his Authority, in a general Demand to have my Sentence reversed. In short, so strong were the Affections of the Public towards me, and so invincible their Hatred to *Clodius*, that, had he then been killed, their Cares had not, as now,

* *Pompey*, *Marcus Crassus*, and *Julius Cæsar*, all envied the superior Glory *Cicero* had acquired by putting an End to the Conspiracy of *Catiline*; for which Reason *Pompey* suffered him to be banished by *Clodius*, when he might easily have prevented it. But when *Pompey* understood that the Senators and all the *Roman* Knights were angry with him for neglecting to succour a Man, to whom both they and he had been so much obliged; and when he saw that the same Danger threatened him from *Clodius*, he made a Motion to the Senate to recall *Cicero*, (tho' the *Clodian* Law had expressly forbidden any Prætor, Tribune, or any Person whatever to do so) and made Mention of his Character with the greatest Reverence and Honour.

† The Inhabitants of *Capua* made a Decree for the Recalling of *Cicero*; upon which Ambassadors came from all the Quarters of *Italy* to *Pompey*, whom he ordered to repair to *Rome*, and beg that Favour of the Senate.

now, been employed how to acquit, but how to reward, the Man by whose Hand he fell.

YET *Milo*, ever moderate, twice employed the *legal*, but never once the *violent* Means of Redress against *Clodius*. But what do I talk? When * *Milo* was liable in a private Capacity to the Justice of the People, when *Clodius* was his Prosecutor, when *Pompey* was assaulted while speaking in Defence of *Milo*, how easy, nay, how justifiable had it then been to have killed him? Even lately, when † *Mark Antony* had inspired every good Man with the Hopes of seeing better Days; when that noble Youth had bravely undertaken the weightiest Concern of his Country, and held at Bay that Savage who had slipped his Neck out of the Toils of Justice: Immortal Gods! how favourable was then the Juncture, and how convenient the Spot for dispatching him? How easy had it been for *Milo*,
when

* When *Pompey* began to speak in Favour of *Milo*, the Abettors of *Clodius* raised a terrible Clamour, which lasted all the Time he was speaking: Not content with drowning his Voice, by the Loudness of their Cries, they went further and loaded him with Reproaches and the most abusive Language. This neither frightened the brave *Pompey*, nor made him give over speaking; for he spoke in *Milo's* Favour for six Hours without Intermission.

† *Marcus Antonius* pursued *Clodius* with a Design to kill him, which he had in reality done, had not *Clodius* taken Shelter in a Bookseller's Shop, and by shutting the Door after him prevented his Design. This was the same *Antonius* who afterwards waged a Civil War with *Augustus*. He was at first a great Friend to *Cicero*, but afterward became his mortal Enemy, and at last proved the Author of his Death.

when *Clodius* sheltered his guilty Head beneath a dark Stair-case, to have dispatched that Curse of his Country, and thereby have at once consulted his own Safety, and compleated *Antony's* Glory?

How frequent were his Opportunities, while the *Comitia* were held in the open Field? When *Clodius* had forcibly broke in upon the Palisades, and employed every Outrage of Swords and Stones; and then, daunted with the Look of *Milo*, fled towards the River; how earnest were your, and every good Man's Wishes, that *Milo* had then made the proper Use of his Courage?

SHALL *Milo* then be supposed to incur the Resentment of some, yet deaf to the Applause of all? Was he afraid to venture when he might have ventured securely, when the Laws, the Place, and the Time, were on his Side, and yet boldly strike when the Rashness of the Deed, unfavourable Circumstances, and an untoward Juncture endangered his Life? Especially, my Lords, as his Struggle for the highest Honour his Country can bestow, and the Day of his Election was at hand; a Day (for I have experienced the Fears, the Anxieties, and the Cares, inseparable from *Ambition*, and a Desire of the Consulate) when we dread every thing, when we dread not only the Effect of *public* Reproach but

but the Result of *private* Suspicion; when we tremble at Rumour, however false, however invented, however idle the Story; when we explore the Looks and Features of every Man we meet: For nothing, my Lords, is so delicate, nothing so tender, nothing so frail, and nothing so flexible, as the Opinion and Sentiments of our Fellow-Citizens on such Occasions; who not only resent the *dishonourable* Conduct of a * Candidate, but often loath him when pursuing the most *public-spirited* † Measures.

SHALL *Milo* then, on the Day of Election, a Day which he wished, which he sighed to see, be supposed to approach that august Assembly with his Hands imbrued in Blood, betraying and confessing his Guilt? How ‡ unlike is this to the

* Those who fought the Magistracy in *Rome*, were dressed in white Robes, in order to distinguish them from other People; hence they were stiled Candidates, from a *Latin* Word signifying white.

† This is a very just and a favourite Observation with our Author. He had often observed that the daily Meanness of Solicitation, to which a Candidate was subject, took away that Dignity from their Persons and Characters which a less frequent Appearance in Public might have preserved. He touches strongly upon this in his Oration for *Murena*, which the Reader may see. The Word *Fastidire* properly expresses that Contempt which a Woman feels for a Lover who is always whining at her Feet:

Superba pati fastidia. Virg. Ecl. ii.

Hence *Plutarch* finely remarks, that a Candidate for public Offices ought to court the Public as he would do a Mistress, with whom Absence sometimes heightens Passion, and a constant obsequious Attendance gives Contempt.

‡ Because *Milo* was a very religious Person, and the Ceremony of Election was proceeded upon after Sacred Rites.

the Man ! Yet how natural was it for *Clodius* to imagine that, were *Milo* murdered, he * would reign as absolute as a King ? For who, my Lords, is ignorant, that the Source of *Injury*, the Incentive to *Guilt*, is the Hope of *Impunity* ? Where might these Hopes then be presumed to lie ? In *Milo*, who is now before you, arraigned for doing a meritorious, or, at least, an unavoidable Piece of Justice ; or in *Clodius*, who had so thorough a Contempt both of † Trials and Penalties, that he delighted in nothing that was not repugnant to Humanity, and inconsistent with Law ?

BUT why should I argue, why dispute any longer ! I call upon you, *Quintus Petilius*, who are a brave and an honourable Man ; I appeal to you, *Marcus Cato*, whom a certain divine Award has placed on that Tribunal. You were informed by *Favonius*, that *Clodius* had told him, you heard, even in the Life-time of *Clodius*, that he had threatened, *Milo* should be
dead

* *Orig. Regnaturum.* Every body knows how invidious to the Romans every thing was which hinted at the Restoration of Monarchical Government.

† When *Clodius* was accused of Sacrilege, for having stolen, by the Help of Women's Apparel, into the Apartment where the Sacrifices of *Diana* were performing, he bribed the Judges ; and, *Milo* insisting upon his standing a Trial, he refused to submit to the Authority of the Court.

The Roman Laws expressly discharged any Man from being present at these Sacrifices, which the Roman Matrons performed in Honour of *Diana*.

dead in three Days. On the fourth Day he attempted what he had before threatened, and, as he made no Scruple to disclose what he designed, shall you be at a Loss to guess at what he acted?

BUT how could *Clodius* be certain of his Day? That I have already accounted for. It was an easy Matter to learn the Day set apart for the Sacrifices of the Dictator of *Lanuvium*. He saw that *Milo* was indispensably obliged to set out for *Lanuvium* on that Day. He therefore was on the Road before-hand. But, on what Day? On that Day, as I observed before, when a distracted mad Assembly was spirited up by the Arts of his own Creature, a corrupted Tribune. A Day, an Assembly, and a Tumult, that he would have enjoyed, had he not been eager to execute the meditated Murder. Therefore he could have even a Reason for going, though he had none for staying: *Milo*, so far from having it in his Power to stay, was obliged to go, not by Duty only, but Necessity. It appears therefore, *Clodius* was sure that *Milo* must that Day be on the Road; but, it may be asked, had *Milo* no Reason to know he must meet with *Clodius*?

GIVE me Leave first to ask, my Lords, how he could come by this Knowledge? A Question you cannot put with Regard to *Clodius*:
For,

For, had he asked no other than his Intimate *Titus Patinas*, he might have learned that *Milo* was under a Necessity, as Dictator of * *Lanuvium*, to create a *Flamen* there that very Day; and a great many others, every Man of *Lanuvium*, could have readily informed him of this Fact. But how was *Milo* to learn when *Clodius* returned? Admit that he enquired, see what a large Concession I make; I admit, with my Friend † *Arrius*, that he had corrupted a Slave. But read the Evidence that is before you; *Caius Cassinius*, surnamed *Scola*, an *Interamnian*, an intimate Companion of *Publius Clodius*, and who formerly swore that *Clodius* at the same Hour was at ‡ *Interamna* and *Rome*, tells you that *Publius Clodius* was to have passed that Day at his Seat near § *Alba*, but that he received the sudden News that *Cyrus*, the Architect, was dead, upon which he immediately resolved to set out for *Rome*. *Caius Clodius*, another Companion of *Publius Clodius*, concurs in the same Facts. Observe, my Lords, how many Points are given up by this Evidence. In the first Place, *Milo* is plainly acquitted of any Design he

* *Titus Patinas* resided in *Lanuvium*, and was an intimate Acquaintance of *Clodius*: From him *Clodius* might learn that *Milo* was to come to *Lanuvium*.

† *Arrius* was an intimate Friend of *Cicero*'s, whose splendid Entertainments he mentions in his Oration against *Vatinius*.

‡ *Interamna* was a City of *Umbria*, and was so called, because it stood between two Rivers: It is by the Moderns called *Terni*.

§ *Alba* was so called from *Ascanius* having found a white Sow, when he was building it.

he could have of intercepting *Clodius* upon the Road, as it was impossible he could expect to meet him. In the next Place (for I see no Reason why in my own Person I ought not to make my Advantage of this Circumstance) know, my Lords, that there were some that solicited the Law for this Prosecution, who affirmed, that, though the Murder was committed by the Hand of *Milo*, yet that the Plot was laid by a more eminent Person. They meant Me, and these abandoned Ruffians, by this Suggestion, represented me as a Robber and Murderer. Thus they, who say that *Clodius* would not have returned to *Rome* that Day, had he not heard of the Death of * *Cyrus*, are condemned upon their own Evidence. Thus I recover my Spirits, I am acquitted; and assured none will ever suspect my Counsels could hatch what it was impossible my Heart should conceive.

LET me now touch upon their other Objections: For there is an obvious one, say they; then it follows that *Clodius*, as he was to have remained at his Seat in *Alba*, did not leave his Seat upon any murderous Intention, and could entertain no Design of surprizing *Milo*. But it is plain, that the Person who, as is pretended, informed

* This *Cyrus* the Architect we have no Account of in History, but *Cicero* makes Mention of him in his Letters to his Brother *Quintus*, and to *Atticus*.

informed him of the Death of *Cyrus*, did not inform him of that, but of *Milo's* Approach. For, what could he inform him with regard to *Cyrus*, whom *Clodius*, when he went from *Rome*, left expiring? I was present, I sealed up his * Will along with *Clodius*; for he had publicly made his Will, and had appointed *Clodius* and me his Heirs. And was he then told, at the tenth Hour of the Day after, that the Man, whom he had left in the Agonies of Death at the third Hour of the Day before, was dead? But, admitting it had been so, † why all this Hurry back to *Rome*? Why travel in the Night-time? What occasioned all this Haste? Was it, because he was the Heir? In the first Place, the Legacy required no Hurry on his Part. In the next Place, if it had, could he receive it only that Night, and must he have lost it, if he had waited till next Day? But, as a Journey in the Night to Town was rather to be shunned than desired on the Part of *Clodius*, so on the Part of *Milo*, had he formed a Plot against his Enemy's Life, it is to be presumed, that, as he knew *Clodius* was to come that Night to Town, he

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would

* At the Drawing up of Testaments it was required, that seven Witnesses should be present; then the Heirs signed and sealed the Testament. One would be apt to think from this Passage of *Cicero*, that an Heir might likewise be a Witness in this Case.

† This is a very weak Part of our Author's Reasoning; since *Clodius*, if the Fact was really established, might have many Reasons for coming to *Rome*; nor does *Cicero* offer any Evidence that *Cyrus* was so near his Death when he left him.

would have watched his Opportunity by way-laying him.

HAD *Milo* killed *Clodius* by Night in a suspicious Place, haunted with * Robbers, everybody, had he denied the Fact, must have believed the Man in whose Preservation, even though he confesses it, all Mankind takes a Concern. Let us consider, first, this Belief must have gained Ground from the Character of the Place, which is a Haunt and Refuge of Robbers; while the silent Solitude and trusty Shades must have concealed *Milo*. Next, as many had been harrassed, stripped, and plundered by the Deceased near the same Place, and many more dreaded lest they should be treated in the same Manner, the Suspicion must have fallen upon them. In short, all † *Etruria* might have been arraigned as criminal.

BUT *Clodius*, being resolved to return that Day from † *Aricia*, struck off from his Road towards that of *Alba*. Now, tho' *Milo* had been

* Upon the Way of *Appius*, who was one of *Clodius*'s Ancestors, stood the Tomb of one *Basilus*, a very rich Man; and this Place had become famous for the many Murders committed at it.

† *Clodius* had often appeared in Arms, to banish the *Etrurians* from their Possessions.

Etruria lies upon the *Tuscan* Sea, and reaches to the Banks of the *Tyber*.

† *Aricia* is a Town of *Latium*, on the *Appian* Way.

been absolutely sure that *Clodius* had left *Aricia*, yet he had Reason to suspect, that, though he was to return that Day to *Rome*, he would call at his own Seat which lies upon the Road. Why then did he not either dispatch him before he reached it, lest he had remained there, or plant himself in a proper Place where he was sure *Clodius* was to pass in the Night-time? Thus far, my Lords, every Circumstance concurs in proving that the Life of *Clodius* was useful to *Milo*; but that *Clodius* could reach the darling Object of his Ambition only by the Death of *Milo*: That the one had an invincible Malice at the other; the other none at him: That the constant Practice of the one was to commit, and of the other to suppress, Violence: That the Life of *Milo* was publicly threatened, and his Death foretold by *Clodius*; but it appears, that *Milo* used no such Threatenings: That the Day, on which he was to set out, was known to *Clodius*; but that *Milo* was intirely ignorant of the Time when *Clodius* was to return: That *Milo's* Journey was indispensable, but that of *Clodius*, if any thing, was inconvenient: That the one had declared he was to leave *Rome* on a certain Day; but that the other had concealed his Intentions of returning on that Day: That no Accident had altered *Milo's* Design; but that the other had invented Pretexts for altering his:

That, if *Milo* had intended to way-lay *Clodius*, he would have hovered about the City till it was dark ; but that, though the other had no Reason to fear *Milo*, he ought to have dreaded a Journey towards *Rome* so late in the Night.

LET us now examine the principal Point, whether the Place where they encountered was most favourable to *Milo*, or to *Clodius*. But, my Lords, are you longer to deliberate, are you longer to doubt of that ? Since it was near the Estate of *Clodius*, where at least a thousand able-bodied Men were employed in carrying on his extravagant Buildings. Did *Milo* think he had the Advantage, by attacking him from a rising Ground, and therefore chose such a Ground for the Scene of Action ? Or did *Clodius* wait for him upon that Ground, which he thought so favourable for his treacherous Attack ? My Lords, the Thing speaks itself, and that sure is the strongest Argument.

WERE the Thing to be expressed in Painting instead of Words, you might even then distinguish the Traitor from the undesigning Person ; as the one was sitting in his Chariot, wrapped up in his Cloke, and his Wife by his Side, it is hard to say if the Cloke, the Chariot, or the Companion, was the greatest Incumbrance. For what can carry less the Appearance

pearance of a Design to fight, than a Man intangled in a Cloke, shut up in a Chariot, and almost fettered by a Wife? Now, my Lords, survey *Clodius*, first leaving his Seat in a Hurry; for what Reason? In the Evening; upon what Emergency? Late; to what Purpose, especially at that Season? He strikes off to *Pompey's* Country-house; why? that he might visit *Pompey*? He knew he was at his Seat by *Albium*. * Was it to view his House? He had been in it a thousand Times. Then what could be his Motive for all this Sauntering and Shifting? Why; to loiter, to gain Time, that he might be sure to be on the Spot when *Milo* came up.

Now, view the Way of Travelling of a well-appointed Robber, compared with the Incumbrances of *Milo*. *Clodius*, before that Day, always travelled with his Wife: On that Occasion she was absent: He constantly rode in a Chariot; he was then on Horseback: His Greek Minions still attended him wherever he went, even when he posted down to the † *Tuscan* Camp: At that Time he had nothing trifling, nothing superfluous in his Retinue. *Milo*,

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* *Albium* is a Town at the Mouth of the *Tyber*.

† Here *Cicero* mentions the Conspiracy of *Catiline*, when the Conspirators formed a Camp in *Tuscany*, with a View to draw down the Odium of the Judges upon *Clodius*, who was
once

So, contrary to his constant Practice, happened then to carry along with him a Band of Singing Boys, and a Troop of Girls, belonging to his Wife: *Clodius*, who never travelled without his Whores, his Catamites, and his Pimps, was, on that Occasion, attended as a Man who expected to encounter with a Man. Why then, it may be said, did *Clodius* fall? Because, my Lords, the Traveller does not always fall by the Hand of the Robber, but sometimes the Robber by that of the Traveller. Because, tho' *Clodius* prepared attacked *Milo* unprepared, yet it was an Attack of a Woman upon Men. For *Milo* never was so little upon his Guard as to leave himself quite defenceless: He kept it always in View what an Interest *Clodius* had in his Death, how great a Hatred of his Person, and what a Temerity in his Nature: He likewise knew the large Reward his Enemy had set upon his Head, and the determined Resolution with which he pursued his Life: Therefore he never exposed his Person unguarded and unattended. Add to this, Accidents, the uncertain Event of the Encounter, and the common Chance of War, which often turns the Scale against the Victor, when ready to seize his Prey, and exulting with Success.

once engaged in it. *Asconius* tells us, that *Clodius*, out of Fear of *Cicero*, when Consul, inclined to join the Camp of *Catiline*, which then lay at *Fesulæ*, in *Tuscany*, but that, after he had set out, he repented, and returned to *Rome*.

Success. Add, the Unskilfulness of a flushed, stuffed, stupid Leader, who, after he had surrounded the Person of his Foe, never reflected that he had still to deal with his more remote Attendants; with whom encountering, while they were burning with Resentment, and despairing of their Master's Life, he received that Chastisement, which every faithful Servant will inflict on the Man whom he supposes to be his Master's Murderer.

BUT then, why has he set them at * Liberty? Because he was afraid lest they should betray him, lest they should not be able to endure Pain, lest they should be tortured to confess, that *Clodius* was killed by the Servants of *Milo* upon the *Appian* Way? But what Occasion for Torture? What was you to extort? If *Clodius* was killed? He was killed: But, whether lawfully or unlawfully, can that be extorted by the † Rack? The Executioner may put the Question as to the Matter of Fact, but the Matter of Law belongs only to the Judge.

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* The Ceremony of Manumission was by the *Romans* performed in this Manner: The Master, holding the Servant by the Head, and sometimes by some other Member of the Body, pronounced these Words, *I will that this Man be free*; then he let go his Hold, and the Servant was from that Time called Manumitted, or a Freed-man.

† *Equileus*, in the Original, was a Kind of racking Engine, in the Form of a Horse; used by the *Romans* for extorting the Truth from their Servants, or from Malefactors.

THE Question, arising from Law, we now debate ; the Question, to be extorted by the Rack, we have already confessed. But if you rather ask why he set them at Liberty, than why he did not give them extraordinary Rewards, it is a Proof that you are at a Loss how to fix a Charge upon the Prisoner. For *Marcus Cato*, who sits on this Bench, and who never speaks but with Spirit and Resolution, said in a mutinous Assembly, which was quelled by *Milo's* personal Authority, that Slaves, who defended the Life of their Master, deserved not only Liberty, but the most extensive Rewards : For what Reward can be too great for a Master to bestow upon those Slaves, through whose Duty, Affection, and Courage he lives ; though Life itself, my Lords, is but a second Consideration, when compared with that of their saving him from glutting the Eyes, and satiating the Wishes of his most mortal Enemy, with the Sight of his mangled bloody Coarse. Yet, had he not freed them, he must have delivered these Preservers of his Life, these Avengers of Villainy, these Defenders of innocent Flood, to the Pain and Ignominy of a * Rack. Yet, of all his Misfortunes, one is more tolerable than the rest,

* According to the *Roman* Law, manumitted Servants could not be interrogated upon the Rack. — *Appius Clodius*, Son of *Caius Clodius*, Brother of *Publius Clodius*, demanded that his Uncle's Servants should be interrogated in that Manner.

rest, which is, that, however it fares with himself, it has been in his Power to reward them as they have deserved.

BUT the Confessions, that are now extorting in the * Porch of the Temple of Liberty, bear hard upon *Milo*. From whose Slaves are they extorted, let me ask you? From those of *Publius Clodius*. Who demanded them? *Appius*. Who produced them? *Appius*. From whence came they? From *Appius*. Immortal Gods! Can any Thing be more cruel? No Slave can be examined against his Master, but in † a Case of Incest, as was that of *Clodius*; who now approaches more near the Gods, than he did when he forced his Way into their most awful Retirements; and about whose Death there is the same Inquisition as is due to a Violation of their
sacred

* Hard by the Temples were Halls, where the Courts often sat, and the Senate was kept, because it was reckoned unlawful for it to meet in any other than in an holy Place.

The ancient Romans worshiped Liberty as a Goddess, as *Cicero* informs us in his second Book on the Nature of the Gods: To this Goddess *Sempronius Gracchus* (the Founder of the *Gracchian* Race) caused a Temple to be erected out of the Money raised by Fines.

† The Reason of this, as we learn from one of the Declarations ascribed to *Quintilian*, was, because criminal Correspondences of this Nature are so closely carried on, that Slaves alone can know them. But the Reader is not to mistake the Word Incest, as if it could be applied only to Guilt betwixt two near Blood Relations. For it is applied by Lawyers to other illicit Communications, such as was that of *Clodius* when he mingled with the Ladies at the *Eleusine* Rites. The Sting of our Author's Sarcasm, which follows, consists in this.

sacred Mysteries. But our Ancestors suffered no Confession to be extorted from a Slave which affects his Master ; not because they could not by that Means come to Truth, but because their Masters thought such a Proceeding dishonourable, and even worse than Death.

WHEN the Slaves of a Prosecutor are tortured to affect the Life of a Prisoner, is Truth to be expected? Let us now see the Question and its Nature, that has been put by *Appius*. You * *Roscio*, you *Casca*, take Care you don't lye, (supposing him to say so) did *Clodius* way-lay *Milo*? He did. Then drag them to immediate Death. He did not. Then amuse them with the Hopes of Liberty. Is not this an infallible Way to come at Truth? They are suddenly dragged to the Rack, but confined separately, and shut up in Dungeons, where they were suffered to talk with nobody. At last, after they had been, for a hundred Days, in the Hands of the Prosecutor, the same Prosecutor produces them. Can any Thing be more fair, more impartial than such an Examination?

IF, my Lords, you are not yet fully convinced, notwithstanding the many strong Proofs and Arguments which have been brought, that *Milo* returned to *Rome* in all that Purity of Heart,

* *Roscio* and *Casca*, the Names of two Servants.

Heart, with all the Serenity of Conscience that attends the Man who is polluted with no Wickedness, haunted by no Dread, and tortured by no Remorse; I conjure you by the immortal Gods, to call to Mind the Quickness of his Return, his Manner of entering the *Forum*, while the Courts were in a Blaze; his Intrepidity, his Looks, and his Words. He surrendered himself, not to the People only, but to the * Senate; not only to the Senate, but to the Troops and Guards of the Public; and not to them only, but to the Authority of that † Man, whom the Senate has intrusted with the sole Management of the Common-wealth, the Government of the *Italian* Youth, and the Direction of the *Roman* Arms: One to whom he surely never had delivered himself, had he not trusted to his Cause; especially as that great Man heard all, dreaded much, suspected many, and believed some. Great, my Lords, is the Power of Conscience: Great, both in the Innocent and Guilty, to quiet the Fears of the one,

* The *Roman* People sometimes passed Sentence themselves, as may be seen in the Case of *Rabirius*, found guilty of High-Treason. The Senate judged in Cases of a more atrocious Nature, as in the Case of those who followed *Catiline*. And, lastly, the Consuls were vested with an executive Power, when, by a Decree of the Senate, they were commanded, by an Order of the Senate, to take Care that the Republic should suffer no Injury.

† *Cicero* here means *Pompey*, to whom the Senate gave an unlimited Commission to see that the Republic should receive no Damage, either from the Power of *Milo*, or from the Factions of the *Clodian* Party.

one, and to paint the Punishment of the other always present to his Eyes. Nor was it without good Grounds that *Milo's* Cause was ever favoured by the Senate. For their discerning Wisdom perceived the Reason of the Action, the Tranquillity of his Soul, and the Consistency of his Defence. Sure, my Lords, you have not forgot, when the News of the Death of *Clodius* arrived, what the Talk and Sentiments were, not only of *Milo's* Enemies, but of some indifferent, though weak People, who affirmed that *Milo* would never return to *Rome*.

SOME perhaps imagined that, prompted by a sudden Start of Passion to kill the Enemy he hated, he thought the Death of *Clodius* of so much Consequence, that he could unconcernedly go into Exile, since he had glutted his Revenge in the Blood of his Foe. Others conjectured, as he had delivered his Country by killing *Clodius*, that the same brave Man, who had purchased Safety to *Rome* by his own Danger, would chearfully submit to the Laws, carry off with him the unfading Glory of the Action, and leave us to enjoy those Liberties he had preserved. Many talked, calling him a *Catiline*, and talked of his monstrous Wickedness; he will break out, said they, he will seize some Place of Strength, he will turn Rebel. Unhappy often is the Fate of those who deserve
best

best of their Country! Their most glorious Actions are forgotten, or else suspected as unwarrantable. These Suggestions were all false, yet surely they must have been true, had *Milo* committed aught that he could not justify. How many Calumnies were afterwards heaped upon him? Such, my Lords, as, had he been conscious but of the most trifling Offence, must have daunted him. Yet how did he bear them? Immortal Gods! He bore them; nay, he slighted, he despised them. A Character not to be sustained by the greatest Courage without the purest Innocence, nor by the purest Innocence without the greatest Courage. It was whispered about, that a great Number of Shields, of Swords, of Bridles, of Javelins, and * Darts might be seized: That there was not a Street nor an † Alley in Town in which *Milo* had not hired a Store-house. That Arms were brought to his Seat at *Ortracula* down the *Tyber*. That his House on the Hill of the Capitol

* The *Darts*, or *Pila* of the *Romans*, were only used by the Infantry. There were two Sorts of them; the one was seven Feet and an Half long, and the Iron of it weighed nine Ounces; the other was only three Feet and an Half long, and its Weight proportionable.

† There were in the City of *Rome*, according to *Varro*, three Kinds of Streets: 1st, The *Vici*: 2^{dly}, The *Fundulæ*: And, 3^{dly}, The *Angiportæ*. The *Vici* were the chief Streets, open at both Ends: The *Fundulæ* were like our Courts, and had no Thoroughfare: The *Angiportæ* were Lanes, so narrow that they only admitted People to walk in them; Waggon and Carriages of all Kinds being too large to enter them.

Capitol was quite crammed with Shields; and every other Place was full of * Hand-granades, for setting Fire to the City. These Things were not only rumoured, but almost believed; nor were they known to be false till they were enquired into.

I COMMENDED indeed the incredible Application of *Pompey*; but let me freely speak as I think. They, my Lords, on whom the whole Cares of a State are devolved, are necessarily obliged to hear a great deal too much: Even a despicable Fellow of a † Butcher, *Licinius* I think they call him, must be heard: He informed that the Slaves of *Milo* had got themselves drunk at his House; that they confessed they had entered into a Conspiracy to kill *Pompey*; and that afterwards one of them had stabbed him, lest he should make the Discovery. All this he told to *Pompey* at his Gardens. I was instantly sent for; and by the Advice of his Friends the Affair was laid before the Senate. I own, my Lords, I could not help

* This is the literal Meaning. In the Original *Malleoli*, according to *Nonius*, were small Bundles of Broom, covered over with Pitch; which, being kindled, were thrown on the Walls or the Roofs of the Houses.

† *Popa* was a Priest, or Butcher, who slew the Sacrifices, and offered them up when slain. His Duty likewise was to purify Houses in which any Persons had died: For the *Romans* believed that by the Death of one the whole Family was polluted.

help almost dying on the Danger which had impended over the Guardian of me and my Country: I could not help, however, being surprized that such a Fellow should be credited; that the Confessions of Slaves should be read; and that a Wound in the Side, which seemed no bigger than the Prick of a Needle, should pass for the Stroke of a Gladiator.

BUT, as I understand, *Pompey* was rather cautious than fearful, and was jealous, not only where there was real Danger, but even an Appearance of it, that he might place you above all Dread. There was for several Hours together a Report, that the House of *Caius Cæsar*, a Man of the greatest Quality and Courage, had been assaulted in the Night-time. Nobody had perceived any such thing happen in that frequented Place; yet still the Report prevailed. I could not suspect *Pompey* of Cowardice, who is a Citizen of the most consummate Virtues; nor did I think that any Enquiry, when undertaken for the common Safety, could be too strict. In a full Senate assembled at the Capitol, a Member affirmed that *Milo* wore a concealed Sword. He stripped himself within that awful Temple, because his Conduct, both as a Man and a *Roman*, could not obtain Belief; that, while he was dumb, his Innocence might plead for itself. And then every thing was found to be false and malicious.

BUT,

BUT, if *Milo* is still dreaded, it is no longer the *Clodian* Charge we fear; but we tremble, *Pompey* (I call you aloud by your Name, that you may hear me) for your, for your, I say, we tremble for your Suspicions. If you are afraid of *Milo*, if you imagine that at this Instant he meditates, or ever before conspired against your Life; if the Forces of *Italy*, as some in your Commission give you, if the Arms of *Rome*, if the * Troops of the Capitol, if these Centries, and that Guard, if the Flower of our Youth, who attend your Person, and watch your House, is armed against the Fury of *Milo*, if all these Precautions are taken, prepared, and pointed against him; great surely must be his Strength, and incredible his Boldness, far excelling the Forces and Power of a single Man; since, against him alone, our bravest General is to act, and the Arms of the whole Republic are directed. But who is so ignorant as not to know, that these Troops are to restore and prop every feeble, every drooping Part of the Empire, which are now all put into your Hands? Had *Milo* had an Opportunity, he could have proved to yourself that no Man ever was more dear to another than you are to him; that he never declined Danger to assert your Dignity, that, to vindicate

* Cohorts were placed in the Capitol for the Safety and Defence of the Town, when there was a Prospect of Sedition.

vindicate your Glory, he often encountered the Ruffian *Clodius*; that your Counfels determined him as Tribune in every Step he took for my Prefervation, which then was dear to you; that you afterwards protected him when his Life was endangered; affifted him in his Sollicitations for the Prætorship, and that he ftill relied on two unalterable Friends; on You, for the Favours he had received; on ME, for Obligations he had conferred. If he had failed in the Proof of all this; if your Jealoufy had been invincible; if the Levies of *Italy*, and the Troubles of *Rome*, were not to ceafe but in the Ruin of *Milo*, fuch is his Nature, and fuch are his Principles, that he would have departed a willing and ready Exile. Yet, illuftrious *Pompey*, in that dreadful Hour, as in this, to you he would have made his Appeal.

How fleeting, how inconstant is Life! How flattering, how unftable Fortune! How treacherous, and how temporifing are Friends! How ready to abandon us! How apt to tremble, in the Hour of Danger, are our neareft Relations! The Time, the Time will come, the Day will dawn, when you, though, I hope, not endangered, yet perhaps fhaken, by the public Convulfions (which, as they are now frequent, ought never to furprize us) when you, I fay, fhall ftand in need of the Affection of the

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best Friend, the Integrity of the wisest Patriot, and the Courage of the bravest Man that *Rome* or the World beholds.

YET who can believe that *Pompey*, so well skilled in the Laws of *Rome*, in the Practice of our Ancestors, and in the Constitution of his Country, when the Senate had given in Charge that THE REPUBLIC SHOULD RECEIVE NO INJURY (a Sentence that always of itself armed the Consuls, though even no Arms were put into their Hands) that this *Pompey*, I say, should wait with an Army, with a numerous Levy, the Event of this Trial, and defend, in the Course of Law, the Conduct of that Man whose Proceedings tended to abolish Law itself. It was sufficient that *Pompey* judged all these Charges against *Milo* to be groundless, since he enacted a Law, by which I apprehend that *Milo* ought, and all the World is persuaded that he may be acquitted.

POMPEY sitting in that Place, surrounded with the public Guards, is a sufficient Declaration that he has no Intention to overawe, but to protect this Court; for nothing could be more mean than for him to force *you* to condemn the Man, whom from numerous Precedents, and by his own Authority, *he* had a Right to punish: All he means, is to let you understand that

that you are now at full Liberty to pass what Censure you please upon Yesterday's riotous Assembly.

BUT, my Lords, the *Clodian* Charge gives me no Concern; I am neither so stupid, so ignorant, or so unexperienced, as not to know your Sentiments upon the Death of *Clodius*. Even though I had not washed away the Blood of *Clodius*, as I have done, yet *Milo* securely, and with a glorious Falshood, might have publicly arrogated the Merit of the Action. I have slain, might he have said, I have slain, not a *Spurius Melius*, who, in a Time of Scarcity, lowered the Price of Corn, though to the Ruin of his own Estate, and who was suspected of having an Eye to Royalty, because of his affecting too great Popularity; not a * *Tiberius Gracchus*, who seditiously annulled the Authority of his Colleague; yet their Destroyers have filled the World with the Glory of their Exploits: But (for the Man who saved his Country, at the Hazard of his own Life, had a Right to use such Language) I have slain a Man, whose infamous Adulteries, our noblest Ma-

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trons

* *Tiberius Gracchus* deprived *Octavius*, his Colleague, of the Magistracy, for opposing him when he moved that the *Agrarian* Law should be passed. When none of the Consuls nor Tribunes withstood this Motion, *Scipio Nasica*, who was deemed the gravest of them all, rushed into the Assembly, and slew *Tiberius Gracchus*.

trons detected even in the most awful * Recesses of immortal Beings, whose Punishment the Senate often decreed ought to expiate the Violation of sacred Rights: The Man whose Incest with his own Sister, † *Lucullus* swore he had discovered by Torture: The Man who drove, by means of Slaves, from his Country, a Citizen, whom the Voice of the Senate, of the People, and of all Nations adjudged to be the Preserver of *Rome*, and of *Romans*: The Man who gave and resumed ‡ Kingdoms, and parcelled out the World to what Men, and in what Manner he pleased: The Man, who, after committing many Murders in the *Forum*, obliged, by his Ruffian Violence, a Citizen of the highest Virtue and the highest Rank, to shelter himself within the Walls of his own House: The Man whose Lust knew no Check, and whose Guilt

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* In the most retired and sacred Places of the Temples were Pallets, or little Beds, for the Images of the Gods to rest upon.

† *Lucullus*, being summoned as an Evidence with Regard to the Life of *Clodius*, said, that he had extorted a Confession from his Maid-servants, that *Clodius* had committed Incest with his Sister, to one of whom *Lucullus* himself was married.

‡ *Clodius* enacted a Law, that the Isle of *Cyprus* should be reduced into the Form of a Province, and that *Ptolemy*, King of *Cyprus*, cloathed in his purple Robes, his Sceptre in his Hand, and decked with all the other Ensigns of Royalty, should be exposed to public View, and his Effects confiscated: And likewise, that *Marcus Cato*, vested with the Power of a Pretor, should be sent, and a Quæstor along with him, to the Isle of *Cyprus*, in order to dispose of the King's Effects, and bring the Money arising from them Home with him.

no Bounds: The Man who set on Fire the Temple of the * Nymphs, that he might destroy the public Register, which contained the † Censure of his Crimes: The Man, in short, who disdained the Laws of *Rome*, the Law of Nations, and the Distinctions of Right and Wrong; who scorned to seize the Property of another by the Quibbles of a Court, by suborned Evidence, or false Oaths; but invaded it with Troops, Incampments, and regular Forces: Who, by his Incampments and Troops, endeavoured to dispossess, not only the *Tuscans*, (for them he still held in utter Contempt) but ‡ *Varius*, that brave honest Man, and one of our Judges, of all his Estate: The Man who, with his Architects and Poles, surveyed the Seats and Gardens of a great many Citizens, and who grasped in his own Imagination all that lies between

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* A Temple was erected at *Rome* to the Nymphs presiding over Fountains, that so they might prove propitious in preventing Burnings; which Temple was set on Fire by *Clodius*.

† The Censors used every five Years to take an Account of the several Tribes, and to make up a Register, in which the Crimes of all the Citizens were marked: And, as *Clodius* knew that his enormous Crimes were recorded in the public Acts, he burnt the Temple in which they were kept, that so the Remembrance of his wicked Deeds might be forgot.

‡ Some Copiers here have *Cn. Pompeius*; but there is no Doubt but he must have been a different Person from *Pompey the Great*, who could not possibly be Judge in this Cause, because he was at that Time Consul: Possibly *Quintus Pompeius* is meant, to whom (tho' he was *Milo's* Enemy) he appeals, in order to gain him over to his Interest.

* *Janiculum* and the *Alps*: Who, when he could not prevail with *Titus Pacuvius*, an eminent Roman Knight, and a Man of Spirit, to sell an Island upon the Lake † *Pretium*, instantly conveyed in Boats Materials for Building with Lime, Timber, Stones, and Arms into the Island, and, in Sight of the Proprietor, who was but on the opposite Bank, built a House on an Estate to which he had no Right. Who (for I shall pass by the Story of the poor *Scantia*, and the young *Apronius*, whom he threatened with Death, unless they yielded him the Possession of their Gardens) durst, immortal Gods! tell such a Man as ‡ *Titus Furfanius*, that, if he did not give him such a Sum of Money as he demanded,

* *Janiculum* was formerly a Town on this Side of the *Tyber*: So called, because built by *Janus*, the most antient God of *Italy*, when he divided all *Italy* with *Saturnus*, who built another Town on the other Side of the *Tyber*, from him, its Founder, called *Saturnia*. *Virg. Æn. Lib. I.* But here *Cicero* inclines to insinuate, that he had a Mind to make himself Master of all the Territories between *Rome* and *Gaul*. The *Alps* were a Ridge of large and almost inaccessible Mountains, separating *Italy* from *Gaul*.

† The Lake, called the *Pretian* Lake, is between *Rome* and *Viterbium*. It is in some Copies called the *Pretian* Lake. There were in *Italy* three Lakes; 1st, The *Lacus Nemorensis*, so called from its being contiguous to a Grove or Forest. 2^{dly}, The *Lacus Furtivæ*, near the River *Numicius*, and so termed from *Futurna* the Daughter of *Daunus*, and Sister of *Turnus* the *Rutillian*, whom *Jupiter*, as a Reward of her Virtue, changed into a Nymph of that River. 3^{dly}, The *Lacus Albanus*, the most considerable of the three, and taking its Name from the City of *Alba*, near which it lay.

‡ *Furfanius* was an Acquaintance of *Cicero's*, to whom, when Orator, *Cicero* wrote, as appears from the sixth Book of his *Epist. ad Fam.*

manded, he would convey a * *dead Body* into his House: With what an inveterate Spite must the Man burn who dispossessed, in his Absence, his Brother *Appius* of his Estate, a Man with whom I am under the strongest Obligations of Friendship? Who attempted to run a Wall through a Court-yard belonging to his Sister, and to carry it up in such a manner, as to deprive her not only of the † Court-yard, but of all Access and all Light to her House?

YET all these Crimes were even then thought supportable, though perpetrated equally on the States as on private Persons, upon the remotest as the nearest, upon Strangers as Relations. But Habit had worn off the Edge of public Resentment, and the City grew unaccountably insensible, through his repeated Violences. Yet by what means could you either avert, or suffer those Dangers that were more immediate and more threatening? Had he got Possession of the Government, to say nothing of our Allies,

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of

* *Clodius* threatened to bring into *Furfanius's* House a dead Body, that so he might be thought guilty of having committed the Murder in his own House; or perhaps he intended to make him thereby lose the Right and Property of his House; because, by a dead Body's being brought into any House, it became sacred; and the Proprietor was obliged to quit all his Title to it. See *Cajus* in *Pandeſt.* tit. *de locis religioſis.*

† In the Original *Vestibulum*, a Plot of Ground before the Door of any House, through which an Avenue led to the House itself.

of *foreign Powers*, * *Kings and Princes* (for you would have thanked the Gods, if he had spent his Fury upon those rather than upon your Estates) neither your Houses nor your Coffers: But what do I talk of Houses and Coffers! By Heavens, neither your Children nor your Wives; not your Children nor your Wives, my Lords, had been unviolated by his unbridled Lusts. Do you imagine that I exaggerate? Is not all this evident? Is it not notorious? Is it not Fact, that he would have raised a Body of Slaves in this City, by which he was to seize the Liberties and Properties of *Rome* and *Romans*? Therefore, if *Titus Annius*, holding up the bloody Dagger, had cried, "My Countrymen hear and attend: I have killed *Publius Clodius*; I have with this Dagger, and with this Hand, repelled from your Necks the Yoke of that Fury which threatened all that was dear to you, and which no Law could confine, no Government could bridle. To me it is owing that Equity, Justice, Laws, Liberty, Decency, and Modesty have yet a Being in this City." Could *Milo* fear how such an Action would be relished by his Country? Where is now the Man who does not approve, who does not applaud it? Where is the Man who does not both say and think that *Milo*, of all Men in our Memory, has done the

* In the Original *Tetrarchs*, a Sort of Princes reigning over only a fourth Part of the Kingdom.

the greatest Service to the Republic, that he has diffused Transports over the Inhabitants of all *Rome*, of all *Italy*, and all the World? I am no Judge how far those Joys which our Ancestors conceived might transport them, yet this Age has seen a less exquisite and a less durable Extasy, than this Action gave, attend the noblest Victories of our bravest Generals.

TREASURE this, my Lords, up in your Memory, I hope it shall be the Earnest of many public Blessings to you and your Children, and that the Enjoyment of each shall be still attended with this Reflection, that, had *Clodius* lived, these Blessings had never been; we now entertain the highest, and, I hope, the best grounded Hopes in this very Year, that, under the Consulate of that great Man, the Restoration of Law and Justice, and the Safety of *Rome* shall be founded upon the Crush of Rufian Fury, and the Men of lawless Lust. But who, my Lords, is so simple as to believe, that, had *Clodius* lived, this ever could have been the Case? How could the Property, how could the Possession of what yourselves or your Forefathers have gained be insured, if at the Mercy of a frantic Wretch? I am under no Apprehension, my Lords, that the Keeness of my Resentment should make it seem as if I flung out all this with more Freedom than Truth:
For,

For, though I greatly hated him, yet so common an Enemy was he to Mankind, that my Detestation of him is scarcely greater than that of the whole World. No Words can express, no Thought can conceive, what an execrable, what a pernicious Ruffian he was. Reflect, my Lords, upon one Thing? As you are now trying *Milo* for the Death of *Clodius*, let me imagine, for Imagination is free, and such its Effect upon the Mind, as to persuade us of the Reality of what it represents, I will imagine therefore a Picture of what I now suppose.

FORM, therefore, in your Thoughts the Picture of this my Supposition, that you shall acquit *Milo*, on Condition that I could make *Clodius* revive. What! Do you turn pale at the Picture of this? Then how would the Life affect you? Do you dread him in vain Imagination, then how would he strike you in his real Person? What! If the great *Pompey*, whose Quality and Merit are such as to be able to effect what no Man alive can; if he, I say, had it in his Option either to appoint a Court for trying the Death of *Clodius*, or to raise him from the Dead, which do you believe he would have chose? Though, as a Friend, he should incline to raise *Clodius* from Death, yet the Love of his Country would oppose the Dictates of Friendship. You, therefore, preside as the Avengers

vengers of the Death of a Man, whom, were it in your Power, you would refuse to restore to Life. And a Commission for enquiring into his Death has passed by Law, which Law, could it have brought him from Death, never had passed. If *Milo* then killed *Clodius*, is he by confessing it to dread Punishment from the Sentence of those Men whom that Action restored to Liberty?

THE *Greeks* decreed divine Honours to the Men who put Tyrants to Death. What have I seen at *Athens*! What in the other Cities of *Greece*! What a Profusion of Divinity was ascribed to such Heroes! What Hymns! What Songs! They were worshipped with Ceremonies, and a Veneration approaching to Immortality. Yet this Saviour of a mighty State, this Avenger of enormous Guilt, you have suffered not only to remain unhonoured, but to be dragged as a Criminal to the Bar. He would, I say, he would have confessed, had he done it, the Action, and owned with Boldness, with Intrepidity, that he did it for the Public Good; this he would not only have confessed but proclaimed.

FOR, if he does not deny an Action for which he craves nothing but Pardon, shall he hesitate to confess that which might have flattered him with the Prospect of Reward? Unless he imagines

gines it to be more agreeable to you that he saved himself than all *Rome*: Especially as your Gratitude, upon this Confession, must have been attended with the noblest Distinctions the Public could bestow. But if you should not have approved of the Action (yet, how can we suppose that any Man can disapprove of providing for his own Safety) if the Courage and Virtue of the bravest Man alive had been disowned by his Country, yet would he with a generous, with an honest Indignation, have left this ungrateful City. For what can be a greater Expression of Ingratitude than that the only Person who mourns, amidst an universal Joy, should be the Man from whom all this Joy is derived.

YET has it been the invariable Maxim of *Romans* in destroying the Oppressors of their Country, that, as it was ours to reap the Glory and Honour, so it should be ours to share in the Danger and Difficulty attending the Action. Where must my Glory, where must my Merit have been, had my Country imagined that all I encountered and surmounted in my Consulship for you, my Lords, and your Posterity, might have been effected without the most mighty Struggles? Where is the Woman who would not have dared to kill a Rebel, and a *Ruffian Roman*, if she apprehended no Danger?

ger? But the Man, whom neither Death, Danger, nor Obloquy damps in his Attempts to serve his Country, is a *Man indeed*. It belongs to a grateful People to crown with Honours and Rewards the deserving Patriot; and to him not to repent, from the Dread even of capital Punishments, that he has bravely discharged his Duty. *Milo* therefore might have avowed his Action in the same Manner as *Abala*, as *Nasica*, as *Opimius*, as *Marius*, and as I myself did. Had his Country been grateful, he might have rejoiced; had she been ungrateful, yet still must he have been supported by the *home-felt* Satisfaction of Mind, amidst all the Pressures of his Fortune. * But on this Occasion, my Lords, the Guardian Genius of *Rome*, your own Preservation, and the immortal Gods challenge your Gratitude. Nor can any Man think otherwise, but the Man who at the same Time denies the Power of the Gods, and the Justice of Providence: The Man who is unaffected with the Grandeur of the *Roman* Empire; blind to the Beauties of that Sun, the Revolutions of the natural System, the Dependence and Subordination of Causes; nay, what is still more extraordinary, to the Wisdom of our Ancestors, who were not only the reverential Practisers,

but

* *Plutarch* observes, that the Beginning and Increase of the *Roman* Empire were both owing to Fortune; and that upon that Account the *Romans* erected many Temples to her.

but the careful Transmitters of divine Rites and Worship to us their Posterity.

THERE exists, believe me, there exists a providential Power; nor is there implanted in the frail, the puny Composition of Mortals, any Principle either of Consciousness or Sensation, which is not equally diffused through the beautiful, the expanded System of universal Nature; unless Mankind will think otherwise, because it is not immediately subjected to the Organs of their Senses; as if it were possible for us plainly to discern, either in what Manner or Point, the Principle, by which we deliberate and determine, by which we now act and speak, exists. This very, this very providential Power, which by its own unsearchable Means raised your Country to Glory and to Empire, has destroyed this public Execration; first, by inspiring him with Presumption to irritate by Violence, to provoke by the Sword the gallant *Milo*, and then by delivering him up to the Hand of the Man by whose Conduct he would have obtained an eternal Privilege and Impunity of Guilt. This, my Lords, was not effected by human Foresight; but by an extraordinary Vigilance of the immortal Gods over the Preservation of *Rome*. Their awful Holiness, by Heavens, which was Witness to the Fall of this Monster, seemed to interest itself in his Fate, and to vindicate its
own

own Authority in his Destruction. For you, ye
 * *Alban* Mounts and Groves, I implore and
 attest; and you, ye dismantled Altars of the
Albans, Companions and Partners with *Romans* in their † Rites! those Altars which his
 Fury buried under the frantic Piles of a tasteless
 Extravagance, after demolishing every awful
 Grove, and every religious Recess. But, in the
 Moment of his Fall, your Shrines recovered
 their Splendor, your Rites their Worship, and
 your Power its Influence; which had all been
 contaminated by his Guilt. And you, O aw-
 ful *Jove*! from the exalted Summit of the *La-*
tian Mount, whose Streams, whose Woods,
 and Borders have been so often profaned by the
 lawless Lust, and the criminal Pollutions of *Clo-*
dus, at length your Eyes were opened to behold
 his Punishment: To you, to you, ye Powers,
 that late, though just and merited Forfeit was
 due, and in your Sight was it paid.

It cannot sure be pretended, that by CHANCE
 he

* The *Tumuli Albani* were little Hills or rising Spots of
 Ground, on which Altars were erected to certain Deities; or
 they were the Sepulchres and Monuments of the Inhabitants of
Alba, who had been buried there before the Building of the
 City.

† The Rites here spoke of were common to all the People
 of *Latium*, with the *Romans*; and were at first instituted by
Tarquinius Superbus: They were yearly performed by the forty-
 seven Cities of *Italy*, who met with the People of *Rome* on the
Alban Mount, to sacrifice a Bullock to *Jupiter Latialis*, of
 which the People of every one of these Cities took a Part.
Dion. Halicar. Lib. xiv. Chap. 16.

he received the first Wound, which gave him up to a shameful Death after his Encounter with *Milo*, before the Chapel, and, I may say, under the Eye of the *Deified Bona*, which stands upon the Estate of that accomplished virtuous Youth *T. Sextius Gallus*; as if his former corrupted Judges had acquitted him only, that he might be reserved for this edifying Death. Nor can it be denied, that the Resentment of the Gods infatuated his Retainers with such a Frenzy, as to commit to the Flames his exposed Corpse without Pageants, without * Hymns, without † Shows, without Pomp, without Praise, without Sorrow, without ‡ Sadness, besmeared with putrid Gore, and deprived of those Rites of Burial which are due and granted even to Foes. Piety, I imagine, would not permit the Images of so many celebrated Heroes to grace the Funerals of so execrable a Parricide; nor, that the Dogs should tear him, when dead, in any other Place, than in that where he had been so often condemned and cursed, while alive.

HARD

* Musical Instruments and Singing were by the *Romans* used at Funerals, which Custom was adopted by the *Jews*.

† The Gladiatorian Shows were exhibited at the Funerals of great Men, that so their *Manes* might be appeased by Blood.

‡ In *Rome*, whilst the dead Body was burning, there was a Woman hired to mourn, to whose Voice the rest of the Company conformed theirs.

HARD indeed, very hard and cruel, seemed to me the Fortune of the *Roman* People, who so long, and so often, saw and suffered him to repeat his Insults upon the Commonweal. No Shrine of the Gods was so venerable as to be unpolluted by his Lust; no Decree of the Senate so solemn as to be inviolated by his Guilt. When a Criminal, he openly corrupted his Judges; when a * Tribune, he industriously harraſſed the Senators. The most salutary Measures concerted and approved of by every Order, for the Good of the Public, were by him † repealed. Me he drove from my Country; my Goods he plundered; my House he fired; my Wife and Children he persecuted. Against *Pompey*, he denounced impious War: Magistrates and Citizens, by his Means, were assassinated; he burned the House of my Brother; he pillaged *Tuscany*; and drove many from their Habitations and Estates. Ever eager, ever rapid; neither *Rome*, *Italy*, Provinces, nor Kingdoms, could confine the Torrent of his Frenzy. Within his House he was ingrossing Laws, by which we

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were

* *Clodius*, when Tribune, had, contrary to the Authority of the Senate, decreed Provinces to *Gabinus* and *Piso*, that he might the more effectually accomplish the Ruin of *Cicero*.

† *Clodius* repealed all the Acts of the Senate, when he was plotting *Cicero*'s Banishment, for killing *Lentulus* and *Cethegus*, and those others who were engaged in the Conspiracy of *Catiline*; even although that Action of *Cicero*'s was done by the Orders, and honoured with the Approbation of the Senate and People of *Rome*.

were to be subjected to our own * Slaves; and he thought that this Year no Man could have called what he possessed, *his own*, should *Clodius* affect it.

NONE but *Milo* opposed his Projects: *Pompey*, the only Person who was most capable, he thought his firm Friend by their late Reconciliation; the Power of *Cæsar* he accounted as his own; and my Fate had taught him to despise the Sentiments of every good, every honest Man. *Milo* alone bearded him. In this Situation, the immortal Gods, as I observed before, infatuated this abandoned, this frantic Wretch with the Resolution to surprize *Milo*; the Pestilence could have ceased by no other Means; nor was the Authority of the Republic so strengthened as to be able to avenge her own Cause.

ARE we to imagine that the Senate could have curbed him, when a Prætor, since they made so little Progress in checking him, while he was but a private Man? Could the Consuls have been strong enough to restrain their Prætor. In the first Place, had *Milo* been killed,
the

* *Clodius* intended, if he got himself made Prætor, to enact a Law, granting a Power of voting to all the Freed-men in the several Tribes of the City. This Law could not fail to prove highly detrimental to the Republic; for it puts into the Hands of the Tribunes of the People an Opportunity of procuring
Votes

the two * Consuls must have been of his Faction: In the next Place, what Consul would have had the Spirit to thwart him as Prætor, whom he remembered, while Tribune, to have most cruelly harraßed a Person of Consular Dignity? He might have obtained, oppressed, and possessed every Thing: By the new Law which was found among the other *Clodian* Laws, he would have made our Slaves his Freemen. In short, had not the immortal Gods struck him, weak and womanish as he was, with the frantic Resolution of attempting the Death of that brave Man, your Republic this Day had not had a Being.

HAD he been Prætor, had he been Consul, would he have committed nothing destructive in these *Temples*, and this *Forum*, could we suppose that they had been able to stand till he should be Consul? In short, had he been alive, would he have committed no Havock, who, when dead, by the Instigation of *Sextus Clodius*, one of his Dependants, set on Fire the Courts of Justice? Was ever Sight more miserable, more dreadful, and more melancholy, than that the Temple of the Holiness, Majesty,

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Votes by Bribes, and fomenting Seditions against the Senators and Nobles. This Law, with some others, *Clodius* had engraved on a Plate of Brass, as was usual in those Days.

* *Clodius* wished that *Hypseus* and *Scipio* might be created Consuls.

ty, Wisdom, and Conduct of the Public, the Head of this City, the Shrine of her Allies, and the Refuge of all * Nations, the Temple appointed by the unanimous Voice of the *Roman* People, to be the Seat of the Senate, should be fired, erased, and polluted. This was not the Action of a heedless Mob (though even that had been deplorable) but of one Man, who, if he dared to commit such Havock with a Torch for his Friend when dead, what must he not have attempted, had he displayed a Standard for the same Friend had he been alive? He chose too to throw the Body of *Clodius* into the Senate-house, that he might, when dead, burn what he had overthrown, while alive,

SHALL some then affect to talk of the *Ap-
pian* Way, yet be silent as to the Senate-house? Can we imagine that the *Forum* could have resisted the Efforts of the Man when full of Life and Spirit, whose lifeless Coarse consumed the Senate-house? Raise, raise him if you can from the Dead; try to break the Rage that breathed from the living Man, though you had well-nigh fallen Victims to the Furies that attended the unburied Body. Unless you pretend that you quelled the Attacks of those who flew
to

* Foreign Kings and People fled to the *Roman* Senate, as to a sure and certain Refuge; and appealed to them, as the Arbitrators of all their Differences.

to the Senate-house with Torches, to the Temple of *Castor* with * Scythes, and marched all over the *Forum* with Swords. You have beheld the People of *Rome* massacred; and an Assembly attacked with † Arms, while the Tribune ‡ *Marcus Caelius* was speaking to the attentive People; a Man resolute in the Cause of his Country; firmly attached to what he undertakes; devoted to the Friends of Virtue, and the Authority of the Senate; and in this,

I 3

whether

* The *Falces* of the *Romans* were Instruments of War, crooked like a Reaper's Hook, and used upon two Occasions; either in pulling the Stones out of the Walls of a besieged City, or in cutting the Tackling of the Enemy's Gallies.

† As *Clodius* returned to *Rome* the same Night on which the Senate-house was set on Fire, *Caelius*, the Tribune of the People, having called an Assembly of all those who sided with *Milo*, in an Oration mustered up all the atrocious Crimes of *Clodius*; upon which the rest of the Tribunes rushed into the *Forum*, with a Body of armed Men, and had killed both *Caelius* and *Milo*, unless they had got themselves dressed like Slaves, and by that Means made their Escapes. They killed many of the Citizens, especially those who by their Dress and Apparel seemed to be People of Note and Distinction. Under a Pretext of seeking after *Milo*, they forced their Way into many Houses, and plundered them. Thus far *Asconius*, who chuses, instead of *Caelius*, to read *Cæcilius*.

‡ This *Caelius*, or *Cæcilius*, vigorously opposed a Law which *Cneius Pompeius* made, *viz.* That in this Process both the Appellant and Defendant should plead in one Day; and that the Appellant should have two, and the Defendant three Hours allowed him for that Purpose. For, said *Caelius*, this particular Law is enacted with no other View, but to injure *Milo*, and force a Verdict from the Judges before they had maturely considered the Merits of the Cause. And, when he obstinately persisted in shewing that this Law had no Countenance from Equity, no Foundation in Justice, *Pompey* was enraged to such a degree, that he said, he himself (if Necessity obliged him to it) would take up Arms in Defence of the Republic.

whether you call it the Persecution or peculiar Fortune of *Milo*, amazing, divine, and incredible has been his Integrity.

BUT enough has been said by way of Defence, and perhaps too much by way of Digression. What remains, but that I should beseech and conjure you, my Lords, to extend to a brave Man the Compassion which he refuses to implore? But I, against his Will, with Zeal, with Fervency implore it. Though, amidst all this our Deluge of Grief, you never have beheld *Milo* to drop a Tear; though you perceive the same Resolution in his Looks as ever, the same Firmness of Voice and Intrepidity of Language, yet let Favour take Place. Nor indeed do I know if any thing ought to plead more effectually for him than such a Deportment. For when we see the Encounters of Gladiators, with the Behaviour and Fate of the lowest Order of Mankind, though we detest the Cowards, and them who meanly beg for Life; yet at the same time we are desirous to save the Brave, the Spirited, and those who cheerfully invite, nay, obstinately provoke the fatal Stroke; and they, who seem to disdain our Compassion, stir it more than they who implore it. Then how much stronger ought these Sentiments to prevail, when the Case is that of a brave Citizen?

FOR

FOR my own Part, my Lords, I am dispirited, I am stabbed by the Expressions of *Milo*, which I often hear, and can daily witness; ' May the *Romans*, may the *Romans*, cries he, prosper, may they be safe, may they be glorious, may they be happy! However, she shall treat me, may this glorious City, and my Country, which ever shall be dear to me, flourish; may my Fellow-Citizens enjoy that Tranquility of Government, which I, though alone, have purchased, yet can I not partake of; I yield me, I retire; if I cannot be a Member of a virtuous, yet I shall be freed from a corrupted Government. And the civilized Land of Liberty that I first shall tread, there will I rest.

WHAT abortive Toils, he cries, have I undergone? What deceitful Hopes have I harboured? What vain Speculations have I entertained? Could I who, when Tribune, devoted myself to the Senate, which, when oppressed, I sheltered; to the *Roman* * Knights, whom, when feeble, I strengthened; to the Wise and Virtuous, whom, when deprived of their Influ-

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ence

* *Cicero* has in his View the Time at which he was recalled; at which Juncture *Sextius*, then a Tribune of the People, contributed all he could to get him brought Home; in which Affair he agreed with the Senate of *Rome*, against which the Tribunes of the People were for the most Part exasperated.

ence by the Fury of *Clodius*, I supported. Could I ever think that the Protection of the Wise and Virtuous would be wanting to me? When I restored you, my Friend *Cicero* (for we often discourse together) to your Country, could I imagine that Country would throw me from her Bosom? Where is now that Senate whom we followed? Where, where indeed, says he, your boasted *Roman* * Knights? Where are the Applauses of the Corporations? Where the Voice of the People of *Italy*? Where, my *Cicero*, where is thy Art, where thy Eloquence, that used to relieve so many Distressed? Shall they be unavailing only to me, who have so often faced Death and Danger for you?

NOR, my Lords, does he pronounce these Words like me in Tears, but with the same intrepid Look you now behold. He denies, he denies that what he acted was for the Ungrateful; but owns it was for those who are fearful, and for those who survey every Appearance of Danger. He owns, that, in order to put you out of Danger, he gained over the Mob and the Commonalty of *Rome*, which, while attached to *Clodius*, threatened all that was dear to you; that he not only curbed them by his Courage, but softened them at the Expence of his three
In-

* *Cicero* was first of the Equestrian, but went over from it to the Senatorian Order.

* Inheritances. Nor does he fear, while he appeased the People by his Liberality, that he did reconcile you to his Conduct by his eminent Services to the Public. Whatever Turn his Affairs may take, wherever he shall go, he says, that it is out of the Power of Fortune to deprive him of those repeated Marks of Esteem bestowed upon him by the Senate; and the Distinctions of Regard, Affection, and Love, so often expressed by you, and your Orders.

He remembers too, that, to have been declared Consul, he wanted only the Voice of the † Crier, a Ceremony he did not at all affect; but that he was raised to that Dignity by the Voice of a united People, a Distinction which was the only Wish of his Soul; and in short, that, if these Troops are drawn up against him, it is not his Guilt, but the Suspicion of it, that arms them. He likewise is sensible of this undoubted Truth, that not *Reward*, but *Virtue*,
is

* *Milo* had three Estates; one left him by his Father, another by his Mother, and the third by *Caius Annius*, his Grandfather by the Mother's Side, by whom he was adopted. All the three he spent upon Largeesses, and public Sports, for which he was next Day charged with Bribery, and condemned when absent. But *Cicero* says, these Largeesses were bestowed upon the People, by *Milo*, with no other Design but that the Rich might be preserved from being robbed.

† Although the greatest Part of the Votes were given to one Man, so that none in the *Comitia* could be ignorant who was created Consul, yet a common Crier was appointed to name him, with an audible Voice, and to extol his Character.

is the Motive of the glorious Actions performed by the BRAVE and WISE; and is conscious that every Action of his Life has been great; for what can be greater than for a Hero at the Hazard of his own Life to bring Deliverance to his Country: That happy are they whom their Fellow-Citizens honour for this.

HE thinks them far from being miserable, whose Patriotism is greater than the Reward attending it; and he remains fully convinced of this Truth, that, if the intrinsic Value of all the *Rewards of Virtue* were computed, the Preference must be given to GLORY. That this alone compensates the Shortness of Life by the Duration of Fame, which represents us when absent, and immortalizes us when dead; and that GLORY is in short the Step by which Men seem to aspire to be Gods.

‘ OF me, says he, the Inhabitants of *Rome*, and the World shall discourse; and of me remotest Posterity will not be silent. Even in this Instant, while my Enemies are piling around me all their flaming Brands of Calumny, am I celebrated by the Speeches, Thanks, and Applauses of every Assembly of Mortals; to speak nothing of the *Tuscan* Festivals. It is now I think upwards of an hundred Days since *Clodius* was killed; and now not only the Fame of the
Action,

Action, but the Joy it imparts is diffused beyond the remotest Bounds of the *Roman* Empire. Therefore, continues he, how this Body of mine is disposed of, is to me indifferent, since my Renown already fills, and shall ever possess every Corner of the World.'

THIS, *Milo*, was often your Discourse to me while these were absent, and now that they are present, I repeat it to you. The Virtues of your Mind I indeed want Words to express; but, the more divinely fair these Virtues are in you, the more bitter are the Pangs of Separation to me. Nor, when you are torn from me, have I the poor, the bootless Satisfaction of being angry with those who inflict so deep a Wound. We are separated not by my Foes, but my intimate Friends; by the perpetual Objects, not of my Enmity, but of my Gratitude. Yet, my Lords, sensible as this Affliction is to me, and sure nothing could equally affect me, never shall that, nor any other, render my Heart unmindful of your former Favours; still shall the grateful Remembrance of them live in my Soul: But, if it is extinguished in you; if I have incurred your Indignation, why am I not made the Sacrifice instead of him? For I account that my Days shall be crowned with Honour, if they are closed before my Eyes behold such Calamity befalling *Milo*.

YET,

YET, O my Friend, still am I left with this Comfort, that no Act of Piety, Affection, or * Duty to you has been wanting in me : For you have I incurred the Frowns of Power ; against your Foes have I often ventured my Life and Liberty : For you have I often prostrated myself as a Suppliant ; my own and my Family's Estate have I risked to perish or survive with your Fortunes. † And in this very Hour, if any Injury, if any Punishment is designed against you, I deprecate it on my own Head. What now remains ! What can I do ! What can I say ! How can I discharge the Debt I owe you, if I share not in your Fortunes ? I am ready, I am prepared : And, my Lords, beg that you would either crown your Favours by the Safety of my Friend, ‡ or command me to cancel them by his Ruin.

MILo stands unmoved with the Tears I shed : Amazing Fortitude of Soul ! He thinks he never can be an Exile, but in the Land where Virtue has no Being : And that Death is not the

* So great was *Cicero's* Attachment to *Milo*, that neither the Number of the *Clodians*, nor the Power of *Pompey* (who was enraged against *Milo*) could deter him from undertaking his Defence.

† *Cicero* was always Assistant to *Milo* in seeking the Consulship, though upon that Occasion *Clodius* several times took up Arms against him.

‡ I read for *videatis* in the Original, *jubeatis*. But there seems to be some Lameness here.

the Penalty, but the Diffolution of Nature. Let him then retain his natural Intrepidity of Soul; but how, my Lords, are you to determine? How indeed! Will you banish the Person of the Man whose Remembrance you indulge with Pleasure? And can any Land afford a nobler Scene for these Virtues than that where they first existed? I call on you, ye Heroes; on you who have profusely shed your Blood for your Country; ye Centurions, ye Soldiers, to you I appeal in this Hour of Danger to the best of Men, and the bravest of *Romans*: While you are looking on, while your Swords are in your Hands, while you guard this Tribunal, shall such amazing Courage be expelled, be extirpated, be spurned out of this City?

WRETCH, unhappy Wretch that I am! Could you, *Milo*, by these recall me to my Country? And by these shall I be unable to retain you in yours? How shall I answer it to my Children, who thought you another Father? How, to you, my Brother *Quintus*, who art now absent, the Partner of all those my Dangers, that I was not able to ensure the Safety of *Milo*, by those who were the Instruments of my own Preservation? In what Cause am I under this Inability? In a Cause approved of by all Mankind. Who have put me under this
Ina-

Inability? They who have gained most by the Death of *Clodius*. Who solicits them? I myself.

WHAT Wickedness have I hatched! What enormous Crimes have I perpetrated! Is it, because I traced, disclosed, exposed, and extinguished a Conspiracy big with universal Desolation? From that Fountain spring all the Miseries of me and mine! Why did you desire my Return from Banishment? Was it that I might witness the Exile of the Authors of my Deliverance? Do not, my Lords, I conjure you, render my Return more bitter than was my Expulsion. For how can I think that I am restored to my Country, if I am torn from those who restored me?

I wish to the immortal Gods (with Reverence to you, O my Country! I speak this, lest the Piety of my Sentiments for *Milo* should be an Execration to you) that *Publius Clodius* were not only alive, but Consul, Dictator, Prætor, could it save me from beholding this Calamity. Immortal Gods! Is a brave Man, my Lords, to be preserved by you! By no Means, he cries: The Traitor met with the Fate he deserved; and let me, if it must be so, undergo the Punishment I have not deserved. Shall then the Man born to save his own Country resign

sign his Breath in another? But, if he must die for his Country, will you keep at home the Monuments of his Spirit, yet deny a Tomb in *Italy* to the Remains of his Body? Can any Man give his Voice for expelling from this City the Hero whom every City upon Earth would be proud to receive?

HAPPY that Country which shall shelter him! Ungrateful this, should she expel, and wretched should she lose him! Here must I stop; my Tears deny Utterance to my Tongue, and the Commands of *Milo* forbid the Intercession of my Tears. In your Decision, my Lords, *dare*, I conjure you, *to be just*, give your Votes according to the Dictates of your Consciences; believe me, your Firmness, your Equity, and your Virtue, will be most agreeable to the * Man, who on this Occasion has raised to the Bench the best, the wisest, and the bravest of Mankind.

* He here means *Pompey*, who (though he had chosen the wisest Men out of all the Tribes for Judges in this Matter) would nevertheless canvass their Sentences, and enquire into the Equity of them. This *Cicero* says with a View to soothe *Pompey*; and, by extolling both his Application and Justice, to gain him over to *Milo's* Interest.

THE



T H E A R G U M E N T.

ONE of the chief, and most dreadful Consequences of Sylla's Usurpation, was an universal Degeneracy of the Roman Senate, at a Juncture, which most required the strictest Exercise of their Virtue. This produced an Impunity, and a Remissness of Justice, which encouraged several Governors of the Provinces to oppress the Allies, and Tributaries of the Roman People.

VERRES, the Prætor of Sicily, a Country that had a Right to all the Gratitude and Indulgence that Rome could express, distinguished himself by every Art of Oppression, Cruelty, and Avarice ; and as he was a Man of great Quality, great Alliances, and some Abilities, he was protected by the noblest Families, and greatest Men in Rome. Among these, Hortensius, who was then eminent for his Eloquence, Subtlety in Pleading, and Knowledge of the Laws, was a zealous Advocate for Verres, and did all he could to prevent his being brought to a Trial. But, a new Prætor succeeding to Verres in Sicily, the Sicilians, all except the Inhabitants of two Cities, resolv-
ed

The ARGUMENT.

ed to impeach him at Rome, upon the Law of Bribery and Corruption, and applied to Cicero, who had formerly been Quæstor of Sicily, that he would manage the Prosecution.

Cicero, perhaps, not displeased that he had now an Opportunity of displaying his Abilities and Eloquence, in a Cause not only just but popular, and against Hortensius, the only Man in Rome who was capable to rival him, undertook the Management of the Prosecution. But a previous Trial of Skill upon the Question, Who was intitled to be the legal Prosecutor of Verres? arose from the following Circumstances:

Quintus Cæcilius, who had been Quæstor under Verres, conscious his Guilt was so complicated with that of Verres, that great Part of it must appear in the Examination of the Facts laid against Verres, and willing to screen his Prætor, from whom he had doubtless a proper Consideration, pretended to the sole Right of managing the Impeachment, for the following Reasons:

1st, Because he himself had received personal Injuries from Verres; therefore it was to be presumed, that he would be more eager in the Prosecution, because he had personal Motives for accusing him.

2dly, Because, having been Quæstor under
K Verres,

The ARGUMENT.

Verres, he must be better acquainted with *Facts* than any other Man, therefore more able to convict him.

3dly, Because he was a Native of Sicily, therefore it was to be presumed he would be more interested than any other, in bringing to Justice the Oppressor of his own Country.

Cicero, in the following Oration, confutes these Reasons, and, with an honest Warmth, remonstrates to the Court, which was composed of a Committee of the Senate, the Necessity of re-establishing their Reputation, and restoring Impartiality and Integrity to the Courts of Justice. This happened in the Year of Rome 685, and the 37th of Cicero.





M. T.

C I C E R O's
O R A T I O N

A G A I N S T

C Æ C I L I U S. *



IF any upon your Bench, my Lords,
or in this † Assembly, should be
surprized that I, whose Practice,
during many Years, in Causes and
Trials at the Bar, has been such as to defend
many, but attack none, should, all of a sudden,
K 2 change

* This Pleading is called *Divinatio*; by which the *Romans* meant that Kind of Trial in which two, or more, were contending among themselves for the Right and Privilege of accusing any one. *Asconius* (a good Authority in Matters of this Nature) is of Opinion, that this Species of Trial was called *Divinatio* from its being conversant, not about a past, but a future Event; viz. Which of the contending Parties should, in the Issue,

change my Disposition, and commence Accuser, they need but to weigh the Motives and Reasons of my Conduct, to approve of it, and own that this Cause falls more naturally to my Management, than to that of any other Man alive.

WHEN I left *Sicily*, my Lords, where I had been

Issue, be vested with the Right of accusing. Others think that this Kind of Trial got the Name *Divinatio*, because, upon these Occasions, the Judges, not being sworn, were left to guess in their own Minds at the Fates of the several Persons who laid Claim to the Right of Accusation. A third Class of Critics and Commentators maintain, that it received this Name, because, Witnesses and Registers being laid aside, the Judges were only swayed by the Force of the Arguments advanced by the respective Parties; and from them enabled, as it were, to prophesy how Matters would turn out; and what the final Result would be. The Reader may have a fuller Account of this Matter in *Aulus Gellius*, Lib. ii. Chap. 4. and in *Sigonius*, de *Judic.* Lib. ii. Chap. 9. *Ulpianus de Accusat.* likewise makes Mention of this Affair, and says: *If several Persons are desirous to accuse the same Man, the Judge ought to chuse from amongst them him, who by his Age, his Morals, and the other Circumstances of his Life, shall seem best qualified for that Purpose.* When many had given in an Accusation against the same Man, he who gave in the first was called the *Accuser*: And he who gave in the second, or third, the *Subscriber*, or *Sollicitor*, who generally used to assist the first and principal Impeacher. With Regard to this Matter, *Plutarch*, in his *Cato Major*, informs us, that there was a Law permitting the Person accused to appoint some Person, as a Kind of Check, upon the Accuser, whose Business it was to take Cognisance of the several Articles of the Charge laid against the Accused.

† There were a great many of the *Senatorial Order* present at this Trial, either in Quality of Assessors, or as *Auditors*, not vested with any Power, for the Office of the chief Magistrates did not consist in giving Judgment, but in constituting Judges.

been * Quæstor, the Inhabitants retained so grateful a Remembrance of my Conduct, and such a Regard for my Person, that they thought, as their Confidence in many of their † antient Patrons was great for the Maintenance of their Fortunes, so that they had Reason to repose some in me. Now that they are harrassed and persecuted, with repeated Instances, they publicly and ‡ unanimously apply to me to undertake the Defence of their Fortunes; remonstrating at the same Time, that I should then only act in consequence of my repeated Acknowledgments and Promises, when I professed myself

K 3 so

* About four Years before this Trial, *Cicero* had been Quæstor in *Sicily*, under the Prætorship of *Sextus Peducius*, who was succeeded by *Caius Sacerdos*, whose Successor in Office *Verres* was. But I judge it proper here to acquaint the Reader, that in *Sicily* there were two Quæstors; the one of *Syracuse*, the other of *Lilybæum*, which *Cicero* was.

† There were in *Rome* a great many Men of Note, who had strenuously patronized the *Sicilians*; amongst whom was *Marcellus*, the Son of that *Marcellus* who, having bravely conquered *Syracuse*, generously preserved and protected its Inhabitants. They had likewise, for their Friends and Patrons, all the *Scipio*'s, the illustrious Race of *Scipio Africanus*, who, having destroyed *Carthage*, carried back in Triumph to *Sicily* all those Ornaments of which the *Carthaginians* (upon their proving victorious) had robbed her. They were also vigorously and warmly befriended by the *Metelli*; two of whom, viz. *Metellus Celer*, and *Metellus Nepos*, were very active in impeaching *Marcus Lepidus*, on Account of his Misconduct, when Prætor in that Province.

‡ That the Reader may not be misled in a Point of History, I must inform him, that *Cicero* in this Passage makes Use of a rhetorical Exaggeration, and stifles Part of the literal Truth; for neither the Inhabitants of *Messina* nor of *Syracuse* applied to him on that Occasion.

so much their Friend, as to be ready on every Occasion to serve them, when required.

THEY told me, that now was the Time; the Time! For my defending not only the Interests, but the Lives and Properties of a whole People; that their Towns were rifled of their Gods, therefore, to their Gods they could have no Recourse; that *Verres* had robbed their most awful Shrines of their most venerable Images; that whatever could be done by *Luxury* to improve *Sensuality*, by *Cruelty* to heighten *Pain*, by *Avarice* to prompt *Rapaciousness*, or by *Pride* to support *Insolence*, was by this one Prætor in the Course of * three Years inflicted upon them. At the same Time, begging and intreating me not to disregard their Supplications; since, while I am safe, they ought to become Suppliants to none. It was, my Lords, with Reluctance and Pain, that I found myself reduced to the disagreeable Necessity either of abandoning those who expected my Relief and Assistance, or to be obliged to lay down the Part I had ever acted from my Youth, which was that of a Defender,

* *Verres* was three Years Prætor in *Sicily*; one for himself; another on Account of the Death of *Arrius*, when on his Journey to *Sicily* in order to succeed him; and a third, on account of the Fugitives. But one Year was the stated Time for the Continuation of a Prætor in a Province; it being a Maxim of the *Roman* Government (and indeed a Maxim founded on the justest Politics) never to allow a Man to continue long in Power.

fender, and to commence Accuser. I told them, that they might have Recourse to *Q. Cæcilius*, especially as he succeeded me as * *Quæstor* of their Province. But the very Thing, which I imagined would extricate me from this Difficulty, proved the Means of embarrassing me further; for they would much more readily have agreed to my Proposal, had they not known † *Cæcilius*, or had he not been in that Office.

2 THEREFORE, my Lords, I have thought proper to charge myself with a Part in which I did not consult my own Convenience, but that of my Friends; my Duty, my ‡ Engagements,

K 4

Hu-

* The *Quæstor Provincialis* of the Romans was an Officer immediately under the Prætor, and sent Abroad with him to collect the Revenues of a Province, and manage the public Money.

† Some of the Critics maintain, that the *Sicilians* must have been acquainted with the Character of *Cæcilius*; because, according to *Asconius*, he was a Native of their Province. Others of them, relying upon the Authority of *Plutarch*, think he was a Freedman of *Rome*, and a Professor of the *Jewish* Religion; which of them is in the Right, I shall not take upon me to determine. But that *Cicero* took him for a *Jew* is pretty plain from the Exclamation, *Quid Judæo cum Verre!* What has a Jew to do with Verres! Which last Word signified among the Romans an uncastrated Hog. I believe every Reader of Judgment and Taste will perceive, that this Exclamation is not only a Piece of false Wit, but likewise unbecoming a Gentleman, and quite below the Dignity of the Bar: As if, forsooth, a Man was to be jeered and scoffed at on account of his Religion; or, for his Belief in Matters of Faith and Speculation, denied the Privileges of a Man, and cut off from the Privileges of a Subject.

‡ Before *Cicero's* Return from his Prætorship, he had bound himself by many Promises to patronize and protect the *Sicilians*.

Humanity, the Examples of many worthy Men, the Practice of our Ancestors, and the Laws of my Country required it at my Hands. But, my Lords, in this Action, I have one Comfort left, which is, that my Pleading is not properly an ARRAIGNMENT, but a DEFENCE. For I defend a considerable Body of Men, a Number of Cities, and the whole Province of *Sicily*. If, therefore, I am obliged to arraign *one* Man, I conceive that I still act in my former Character, since it is with a View to obtain Relief and Justice for *many*.

BUT though this Cause I now undertake had not been so weighty, so decisive, and so important, though the *Sicilians* had not solicited my Appearance at this Bar, or my Connexion with them had been so small as to have excused me; yet should I plead, that the Duty I owe to my Country is the only Motive to what I now do, and requires me to exert my utmost in bringing to Justice a Man infamous for Avarice, Insolence, and Villainy; a Man, my Lords, whose Robberies and Crimes, after being known not only in *Sicily*, but over all * *Achaia*, *Asia*, *Cilicia*, and *Pamphylia*, are
now

* *Verrès* being sent as *Dolabella's* Pro-quæstor, into these Provinces, committed many atrocious Crimes; and by his excessive Cruelty, and insatiable Avarice, rendered himself odious, and his Prætorship intolerable to the Inhabitants. *Achaia* is a Country of *Greece*, surrounded by the Sea on all Hands, except
on

now public, and most infamously notorious at
* *Rome*. Yet who could blame that Motive,
or my Conduct?

— IMMORTAL Gods! Can I at this Day do my
Country nobler Service? Can I do any thing
more agreeable to the *Roman* People, of greater
Advantage to our most distant † Friends and
Allies, or more for the Safety of the Liberties
and Properties of Mankind in general?

WHOLE Provinces were plundered, harrassed,
and ruined; the Allies and ‡ Tributaries of the
Roman People apply in the Anguish of their
Misery, not in Hopes of Redress, but of Alle-
viation to their Calamities. They who incline
that the § Administration of Justice should re-
main

on the North; its Metropolis is *Corinth*. *Cilicia* is a Country
of *Asia Minor*, lying next to *Syria*; of which *Cicero* was after-
wards made Governor. *Pamphylia* was a Country of *Asia Mi-
nor*, situated in the *Mediterranean*.

* *Verres* was then Town-prætor of *Rome*, so that his Crimes
may well be supposed to be notorious there.

† The *Romans* had Allies of three different Kinds; The
first were those, who, being conquered in War, had Laws im-
posed upon them by the *Romans*. The second, those who (be-
ing equal to them in the Fate of War) entered into an Alliance
with them upon equal Terms. The third, those who, having
never been their Enemies, chose of their own accord to enter
into a League with them.

‡ The Tributaries of the *Roman* People were those who
paid a certain Tax, either in Money or in Corn.

§ This Passage must be unintelligible to an *English* Reader,
who does not know that *Sylla* had, during his Usurpation, de-
prived

main vested in the Senate alone, complain of the Insufficiency of the Accusers; and they, who are in a Capacity of acting as such, complain of the Want of unbiaſſed Deciſions. In the mean Time, the *Roman* People, though oppreſſed by many Inconveniencies and Difficulties, yet demand nothing more earneſtly than the Revival of the antient, the venerable, the ſteady Force of public Trials. From the Scarcity of Tribunals they have obtained, by their Sollicitations the * Tribunitial Power: From the Contempt into which they are fallen, it is found abſolutely neceſſary that another † Order ſhould be aſſociated with the Senate in its judicial Capacity; and the Infamy and Corruption of the Judges have reconciled the People to the ‡ Cenſorſhip, an Office that formerly appeared ſo ſevere; but now, my Lords, become popular and agree-

prived the *Roman* Knights of the Power of trying Cauſes. *Cicero*, who was ſtill a Friend to the Equeſtrian Order, ſpeaks his Mind upon that Subject with a becoming Boldneſs; and expreſſes the Neceſſity of having that Breach in the Conſtitution repaired.

* Before the Dictatorſhip of *Sylla*, the Tribunes had a Power of ſummoning before the People not only a Senator, but even a Magiſtrate, who had taken Money for his Voice in any Cauſe; but, a few Months after *Sylla* had taken away this Power, the Conſuls, *Pompey* and *Craſſus*, reſtored it.

† *Viz.* The Equeſtrian.

‡ The *Cenſors* were created every fifth Year; and their Buſineſs was to correct and chaſtiſe the vicious and immoral Members of the State. If they informed againſt a Senator, he was expelled the Senate. If againſt a Knight, he loſt his Horſe. If againſt a Plebeian, he was marked in a certain Register, that he might be fined, and his Name ſtruck out of the Roll of the Century to which he belonged.

agreeable. Amidst these excessive Oppressions from the worst of Men, amidst the daily Complaints of the *Roman* People, the Infamy of their Tribunals, and Disgust against a whole Order, convinced, as I was, that the only Remedy which could be applied to these Evils was to put Men of Integrity and Worth into the Administration of your Government, and at the Head of your Laws, I own that I endeavoured to give the Republic Relief in that Part where she seemed to be most sensibly affected.

3

HAVING thus given my Reasons for appearing in this Impeachment, I am now obliged to enter into the Merits of the Cause, that this Court may be able to form a Judgment of the several Pretensions which my Adversary and I have to appear here as the Accuser. I apprehend, my Lords, when an Information is laid against Extortion and Corruption, if any Dispute should arise about the Person who is the most proper to act as the Impeacher, these two Things are to be considered: 1st, Who the Person is whom the Parties aggrieved most desire should be the Prosecutor; and then, Who the Person is whom the Impeached dreads most in that Capacity.

4

MY Lords, though I think both these Points are extremely clear at present, yet shall I touch upon

upon both: And first upon that which at present ought to weigh most with you; I mean, the Inclinations of those who have been injured, and for whom Prosecutions for Extortion were appointed. *Verres* is accused of having for three Years plundered the Province of *Sicily*, of ruining the Cities, demolishing the Houses, and pillaging the Temples of the Inhabitants; the *Sicilians* in a Body present their Complaints, and have Recourse to my Friendship, which they have long valued, and long experienced. By me, they implore Protection from you, and from the Equity of the *Roman* Laws; they point me out as the Redresser of their Wrongs, as the Avenger of their Injuries, as the Advocate of their Rights, and as the sole Manager of this Impeachment.

* WILL you, *Cæcilius*, affirm one of two Things, either that I officiously, and without the
Impor-

* This Part of his Speech is what the Logicians call the *Confirmation*, and consists of two Parts: The first, which he now enters upon, may be reduced into a Syllogistical Form, in this Manner: *If the Sicilians require that I (Tully) shall be the Accuser, this ought to have great Weight with the Bench.*

They do require it: Therefore

This ought to have great Weight, &c.

This is home and close Reasoning. The chief Maxim of the *Roman* Government, as our Author has shewed elsewhere, in many Instances, was to protect their Friends and Tributaries: And the Laws of *Rome* were such; that no Magistrate, however great, could be without their Reach, either at *Rome*, or Abroad, if he acted oppressively and tyrannically.

Importunity of the *Sicilians*, intruded as a Party in this Affair; or that the Importunity of our best and most faithful Allies ought in this Court to have no Weight? If you * dare maintain what *Verres*, whose Enemy you pretend to be, earnestly desires should be believed, that the *Sicilians* made no Application to me, you do a Service to the Cause of your pretended Enemy, against whom not † Presumptions alone, but positive Proofs have been brought from the Notoriety, that the *Sicilians*, all to a Man, demanded an Advocate for their Rights against his Violations.

If you, as his Enemy, shall deny this Fact, a Fact, which though it bears the hardest upon him, he himself dares not deny; beware, my Friend, that you push not your Enmity with too gentle a Hand. Besides, some of the most illustrious

* For, if the *Sicilians* had demanded no Prosecutions, this was a strong Presumption that they had not been injured in any great Degree.

† This Passage is very difficult to be translated into *English*: The literal Sense is, *Of whom not only a previous Judgment, but a Judgment is plainly thought to have been made*: The Original is, *de quo non Præjudicium sed plane Judicium fit factum putatur*. That we may not heap a deal of useless Learning and Quotations into these Passages, it may be sufficient to say, that *Præjudicium* in *Latin* admits of two Senses, *viz.* either a Sentence pronounced upon one Part of the Trial, which might serve to direct the Decision of the Whole; or, a Circumstance, which though not a legal Proof, was very strong for or against a Party. Having said thus much, I shall say no more about the Liberty I have taken in the Translation.

illustrious Men in the City can give Evidence of the contrary; I am under no Necessity of naming them all. I shall only appeal to some who are present, and whom, should I be guilty of a Falshood, I should by no means wish to be Witnesses of my Impudence. I appeal to *Caius Marcellus*, who sits on the Bench, and to *Cn. Lentulus* * *Marcellinus*, whom I see in Court, two Persons upon whose Friendship and Patronage the *Sicilians* have a great Dependance; the whole Province of *Sicily* being devoted to the Name of the *Marcelli*.

THEY know that I was not barely solicited, but intreated with so much Earnestness, with so many repeated Instances, that I must either have undertaken this Cause, or have shamefully rejected the Tyes of our Relation. But why do I bring Witnesses to this Fact, as if it were doubtful or obscure? Men, my Lords, of the greatest Quality in the whole Province, are present, ready to petition, ready to conjure you, that, in naming the Manager of this Impeachment, your Sentiments may be agreeable to their own. Commissioners appear from every City in *Sicily*, † except two, and, if they were present,

* This *Marcellinus* had been Prætor, and was after that sent to command in *Sicily*.

† The two Cities, here mentioned, are *Mamertium* and *Syracuse*; which were Confederates with *Verres* in many of his Acts of Oppression.

sent, two very notorious Crimes, in which these Cities were Accomplices with *Verres*, might receive some Alleviation. But why apply they chiefly to me for Protection? Were there any Doubt upon this Head, or were the Fact questionable, I could clear the Reason up. But as it is a Case so evident, that you can judge of it from what you see, I know no Reason why an Objection from my being chosen, preferable to any other, ought to affect me.

BUT, my Lords, I am not to account for the Reasons that might determine them to apply to me. I am not to * arrogate any thing to myself on Account of my Abilities; nor am I willing that any one should in the least imagine me to be superior to other Pleaders. The Case is far otherwise; but a Measure of this Nature ought to be determined by the Circumstances, the Health, and the Abilities of the Agents employed. My Sentiments and Inclinations were always for employing one of those who are qualified rather than myself; but myself rather than none.

5 THEREFORE, as it is self-evident that the *Sicilians*

* I have often observed, that, when *Tully* speaks of his own Person and Abilities, he has the Art of throwing what he says into a very doubtful Light, by leaving the Reader to imagine a great deal; and, with what one may venture to call an *impudent Modesty*, displays greatest Abilities when he pleads *greatest Weakness*.

lians applied to me, let me proceed to enquire whether this ought to be of Importance sufficient to engage your Thoughts, and to fix your Attention? Whether the Claims of your Petitioners, the Allies of the *Roman* People, ought to be admitted, and have their due Weight in an Accusation of Bribery and Corruption. But why should I multiply Words? Is it not evident, that the whole System of Laws upon this Head was formed on Account of our Allies?

WHEN one *Roman* Citizen defrauds another, the latter has his Relief, in a Civil Action, and the Laws of his Country. But this Law is *So-cial*, it is a Right peculiar to *Foreigners*; this is the Fort to which they can retreat; and, though I own that some of its Out-works have been lately demolished, yet, if there is the least Hope remaining to cheer the Hearts of our Allies, it must proceed from that Law. A Law for which not only the *Roman* People, but the remotest Nations require the most jealous Guardians *.

Who then will deny that a Law ought to take its Course according to the Discretion of those People for whom it was enacted? Could
Sicily

* The proper Guardians of a Law are the Judges; therefore, says our Author, the *Romans* and all the World require, that you should keep the Law inviolated, and in full Force.

Sicily be supposed to speak, she would say,
 “ You, *Verres*, have robbed, you have plun-
 “ dered me of all the Gold, the Silver, and
 “ Ornaments contained in my Cities, my
 “ Houses, or my Temples, and of every Pri-
 “ vilege I enjoyed by Indulgence from the Se-
 “ nate, or by Right from the People, of
 “ *Rome*; and in their Name I demand of you
 “ by Law an Account of almost a * Million
 “ of Money.” † I say, had that whole Pro-
 vince one Tongue, this would be her Lan-
 guage; but, as that is impossible, she has chosen
 the Person whom she thought most proper to
 manage this Impeachment.

OUGHT any Man, in such an Event, to be so
 presumptuous or officious as to thrust himself
 in, and, in Opposition to those who are immedi-
 ately interested, offer himself as the Advocate
 of their Rights? Should the *Sicilians* say to
Cæcilius, *We are unacquainted with your Person,*
your Character, and your Country; suffer us
therefore to commit our Fortunes to the Manage-
ment of the Person whose Integrity we have experi-
enced; Would not every Man think this very
 L reasonable?

* Though I have taken the Liberty of making the Sum
 round, yet in the Original it is *Sextertium Millies*; but our Au-
 thor makes it less in the Course of his Pleading against *Verres*.
 The Sum mentioned here, however, amounts to about 789,250*l*.

† What a noble Indignation does our Author express always,
 when he is sure that he has Right and Law upon his Side?

reasonable? But now they flatly say this, that they know both; that they commit their Interests into the Hands of the one, and will have nothing to do with the other.

THE Reasons for their Refusal, were they not expressed, might be easily understood. But they do express them. Shall you then thrust yourself forcibly upon them; will you speak in a Cause in which you have no Concern; shall you defend them who chuse to be abandoned by all, rather than be defended by you? You assist them! * When they know that *Self-interest* deprives you of the *Inclination*; and that, though you had the *Inclination*, you are destitute of the *Power*, to serve them. Why should you endeavour to wrest from them the small Hope of the Remains of their Fortune, which they have now ventured upon the Equity of the Law, and Impartiality of their Judges? Why should you interpose against the express Inclinations of the Parties for whose Relief this Law was calculated? Why should you endeavour to strip the Persons, to whom you was obnoxious when in that Province, of their *All*? Why would you deprive them of the Power, not only of prosecuting their Rights, but of deploing their Miseries †? Were you the Prosecutor,

* There is here in the Original a great Perplexity in the Reading, and no Commentator has yet fixed it. I have translated it to what I thought was its true Sense.

† There is the same here.

secutor, Sir, shew me the Man among them who would give his Evidence. Are you not conscious their principal View is, not that another should be punished through your Means, but that you yourself should be punished through the Means of another?

6

THIS Point therefore I conceive to be clear, that the *Sicilians* desire to have me for their sole Manager; and shall the other Head I lay down be doubtful? I mean, who the Person is whom *Verres* most dreads in the Capacity of his Accuser. Did ever Man more openly solicit Honours? Did ever Man more earnestly struggle for Life, than *Verres* and his Friends do, that I should not be trusted in this Affair! *Verres* imagines that I have many Things to recommend me, of which he knows, *Cæcilius*, you are destitute. But these, and the Manner in which they exist in us both, I shall soon lay open.

ONE Thing I will now affirm, and to it I must have your silent Assent, that there is nothing in me which the Impeached can condemn, and nothing in you which he can dread.

* Therefore does his Champion and Friend

L 2

Hortensius

* Our Author now enters upon a very bold and hazardous Undertaking, which was to expose the Practices and Conduct of

Hor-

Hortensius give his Voice for you in Opposition to me; he openly solicits the Judges to give you the Preference, declaring that he acts without Design, without Passion, and without Prejudice. * "I do not, says he, solicit the
 " Judges, as I was wont with Success to do,
 " when I applied my most *persuasive Arguments*, that a Criminal should be acquitted:
 " No, I do not: All I solicit now is, that
 " this Man shall have the Preference to the
 " other as the Accuser. Grant me but this,
 " grant me a Thing which you may do with
 " Ease, with Honesty, with Reputation; and,
 " when you yield, you yield at the same Time
 " that the Person whose Interest I espouse shall
 " without any Danger, without any Infamy to
 " yourselves, be acquitted."

BUT he proceeds further, and strengthens his Interest by Threatenings; he tells them that there are certain Judges in Court who he could wish were to see the Suffrages; that this was very easy, for the Judges do not deliver in their

Votes

Hortensius, a Man of great Authority and Abilities: This he does without Reserve, and in such a Manner, as would not be admitted of in any modern Court, without a very severe Censure. There is a fine Sneer in the Original through all this Paragraph, which I have endeavoured to keep up to in the Translation.

• We may suppose, that in this Speech, which our Orator has made for *Hortensius*, he endeavours to imitate the Style and Manner of that great Man, whom yet he greatly esteemed.

Votes singly, but promiscuously; that every Judge should have a * Tablet lined with *lawful* Wax, and not in a certain † *infamous villainous* Manner. All these Sollicitations are not really so much on Account of the Person of *Verres*, as because he is intirely dissatisfied with the whole Proceeding. For he is sensible, ‡ if the Practice of Impeachments shall be transferred from Boys of Quality, whom he has hitherto baffled, and from Pettifoggers, whom he has always justly contemned and undervalued, into the Hands of Men of Courage and Reputation, that he can then no longer dictate to the Courts.

7 BUT I must acquaint this Gentleman beforehand, if it is your Pleasure that I should manage

L 3

nage

* This Passage relates to the Manner in which the *Roman* Judges gave Sentence: If the Cause was of no great Consequence, they had each a little Tablet of Wax, upon which they wrote, or were supposed to write, their Opinion by the Letter (A), if it was for Acquitting, or Absolving: By (C) if for Condemning: And (N. L.) that is, *Non Liquet*, if the Cause to them appeared doubtful; and they pronounced their Opinion *viva voce*; but, in more important Trials, they wrote it upon the Tablets, and delivered the Tablets unto the proper Officer, who put them into an Urn, and, after sorting them, the Majority was declared.

† Here our Orator alludes to some Fact, no clear Account of which is transmitted to us: *Asconius*, and the later Commentators, indeed, pretend to help us, but after all leave us in the Dark.

‡ This places our Author's Friend in no very amiable Light, since it insinuates, that he had been very partial in his Practice at the Bar.

nage this Impeachment, that he must change his whole Method of defending, and yet alter it in such a manner as to be more for his Interest and Reputation than perhaps he desires. Let him then imitate *Lucius Crassus*, and *Marcus Antonius*, whom he knew at the Height of Reputation, and who thought that the Interest of their Clients were to be supported in Court only by Honesty and Eloquence. If I am the Impeacher, it shall go hard with me, if he shall have Reason to think, should this Court be corrupted, that it is not at the great Peril of many.

IN this Cause, my Lords, the *Sicilians* are but *Accessories*, the *Romans* are *Principals*. The *Sicilians* require that I should crush one Villain, but the *Romans* demand that every Species of Villainy itself should be exterminated and abolished. How great my Abilities or Success may be, I chuse that others should imagine, rather than I express.

BUT, *Cæcilius*, * where are your Abilities? At what Time, or in what Cause have you given either a Proof of them to others, or even made Trial of them yourself? Do you seriously reflect upon the Difficulties of managing
a pub-

* Our Author, in all this Picture of *Cæcilius's* Defects, draws that of his own Perfections, by throwing out all that was excellent in him, and charging *Cæcilius* with not being Master of the same Excellencies.

a public Impeachment; in laying open the whole Course of another's Life; and of fixing it not only in the Minds of the Judges, but painting it to the Eyes and Imagination of all Men? Of pleading for the Safety of our Allies; for the Rights of Provinces; the Force of Laws, and the Dignity of Justice? Unpractised in Pleading as you have hitherto been, learn from me, how many Qualifications must meet in the Man who impeaches another, and, if you are conscious you possess any one of them, for my Part I will yield the Cause with Pleasure. First then *Integrity*, and *unspotted Innocence*; for nothing can be more absurd than that a Man should impeach the Morals of another, and yet be unable to vindicate his own.

8 I WILL make no particular Application of this to you. One Thing I believe is evident, that the *Sicilians* are the only People who have had the Opportunity of proving you; and these to a Man declare, that, exasperated as they are at *Verres*, were you to be his Accuser, not one of them would be present at his Trial. The Reason of this Refusal I shall not unfold; but it is plain, they suspect you to be deficient in some one essential Qualification of a Prosecutor. Perhaps, as they are a suspicious shrewd Sett of Men, they do not imagine that you

would be very forward in bringing from *Sicily* Credentials against *Verres*. For as the Transactions of his Prætorship, and your Quæstorship, are filed in the same Registers, they suspect that you incline to secrete them.

IN the next Place, a Prosecutor ought to have a determined Resolution, and an honest Intention: Such a one, tho' I thought you desired to be, yet I can easily perceive that you cannot be. Nor do I mention those Circumstances, which if I were to mention you could not deny: Such as that, before you left *Sicily*, you was reconciled to *Verres*; that *Potamo*, your Secretary and Companion, remained with *Verres* in the Province when you departed; that *Marcus Cæcilius*, your Brother, a Youth of great Accomplishments and Merit, was not only not present and not assisting in prosecuting your Injuries, but that he lived in Familiarity and Friendship with *Verres*. There are likewise a great many other Presumptions of your Confederacy with the Impeached in this Prosecution, which I shall omit at present, and only observe that, were you never so sincere, yet you are not a real Prosecutor. For I perceive a great many Crimes in which your Guilt is so much complicated with that of *Verres*, that you would not dare to touch upon them in your Impeachment.

ALL

ALL *Sicily* complains that *Verres*, when he had ordered his Granaries to be filled, and Corn was at two Sexterces the Bushel, extorted Money of the Farmers at the Rate of twelve. This Abuse was enormous; the Extortion, unconscionable; the Robbery, barefaced; the Injury, intolerable. Were this his only Crime, I must needs condemn him.

CÆCILIUS, how do you intend to behave? * Will you make this an Article of your Prosecution or not? If you lay it in your Impeachment, do you not charge another with a Crime, of which you yourself was guilty at the same Time, and in the same Province? Will you venture to accuse another in such a Manner as that you cannot help bringing yourself in guilty with the same Breath? If you overlook it, of what Nature must that Impeachment be, which, for Fear of your personal Danger, avoids even the very Mention of a notorious, of an infamous Fact?

By Order of the Senate, † a Quantity of
Corn

* This is a very weighty Argument: For *Cæcilius*, as *Quæstor*, instead of being a Check, as he ought to have been upon *Verres*, appears to have shared his Plunder.

† *Sicily* gave, without making any Bargain, one Tenth to the *Romans*; but another tenth Part was bought of them, for which, by a Decree of the Senate, they were to receive Money.

Corn was bought from the *Sicilians* during the Prætorship of *Verres*, and they never received compleat Payment; this is a material Point against *Verres*, if urged by me, but insignificant if by you. For you was then Quæstor, and had the *Fingering* of the public Money; in which Event, though the Prætor had demanded it, it was in a great measure in your Power to prevent any Abatement. This is another Article of Accusation, which, if this Impeachment were managed by you, must be stified. Even his greatest, his most notorious Frauds and Insolence, must pass unnoted in the Trial. Believe me, *Cæcilius*, that a Confederate with the Person who is impeached, is an improper Hand to manage a Trial, which is to procure Satisfaction for our injured Allies.

THE Farmers of the Revenue extorted Money from the Cities instead of Corn; was this an Imposition peculiar to the Prætorship of *Verres*? No; it obtained likewise under the Quæstorship of *Cæcilius*: How then can you charge him with a Crime, which you both could and ought to have prevented? Will you stifle the Whole of that Article? Then *Verres* shall hear nothing in his Trial, of what, while he was committing, he knew he could not defend.

BUT

BUT all the Facts I have mentioned are flagrant and notorious, there are others of a more scandalous, and of a more secret Nature; in which *Verres*, in order I suppose to allay the Warmth and Heat of *Cæcilius*, generously * shared with his Quæstor. You are conscious that I am informed of all these: If I had a Mind to expose them, I could convince all the World that you not only was confederate in his Guilt, but that some Part of your Plunder remains yet to be divided. Therefore, if you, *Cæcilius*, demand to be admitted an Evidence as to these dark Transactions, I shall not oppose it, if the Laws admit you; but the Impeachment you must leave to those who are prevented by no Stains in their own Character, from exposing and detecting them in another's.

Now consider what a Difference there must be between my Management in this Impeachment and yours. I am to bring into my Charge against *Verres* Crimes, committed by you without his Knowledge, and wherein he had no Concern; because, though he had the supreme Command, yet he did not prevent them; you will charge him with Facts of which he is innocent,

* *Cicero* here supposes, that *Verres* and *Cæcilius* had been so connected by their Villainies, that those of the one could not be discovered without bringing to Light those of the other also.

nocent, lest some Part of your Confederacy with him may be detected. How, Sir, do you answer this? Are Facts indispensably material in so important a Trial to be slurred over? Shew me your Abilities for managing the Prosecution? Shew me your Practice in Pleading? Shew me that you have either Capacity or Experience, as a Manager, as an Orator, or as a Lawyer?

10 I KNOW what a rugged, what a ticklish Path I tread, for all Arrogance is disagreeable; but that on Account of Wit and Parts is most so. Therefore I neither will nor can say much in Favour of mine. It is enough for me that I have a Reputation. How slender soever it is, matters not, nothing I shall say of myself can raise it.

As for you, Sir, I will drop this Affair, and treat you not as a Rival but a Friend. Consult then your own Breast seriously; recollect yourself, reflect upon what you are, and upon what you can do. Do you imagine that you are equal to the Importance and Difficulty of supporting the Interests of our Allies, the Fortunes of a Province, the Rights of the *Roman* People, the Majesty of the Laws, and the Dignity of the Legislature? Do you imagine that you have Eloquence to plead, Memory to retain, Wisdom

Wisdom to direct, and Capacity to comprehend the extensive and complicated Points that must arise in this Prosecution?

Do you imagine that you can distinctly point out every Transaction of *Verres*, as * Quæstor, as † Commissioner, as Prætor, at *Rome*, in *Italy*, in *Achaia*, in *Asia*, and *Pamphylia*, ranging them in your Pleading under proper Heads, as to Time and Place? Do you imagine that you are equal to what is indispensably necessary in Cases of this Nature; that is, to represent the Effects of the Lust, Avarice, and Cruelty of the Criminal, so as to be as detestable to those who hear them, as they were to the unhappy Objects who felt them?

BELIEVE me, Sir, these are Things of great Importance; and by no means to be overlooked: Every Circumstance must be laid down, proved, and explained. The Charge must not only be opened, but enforced with great Dignity and Command of Expression, and, if you expect to succeed, it is not enough that you are barely heard; you must convince the Reason, you must move the Passions of Mankind. Tho' you were indebted to Nature for many Qualifications;

* *Verres* had been *Carbo's* Quæstor, in the Consular Province.

† He had likewise been *Dolabella's* Commissioner in *Asia*

cations; though in your Youth you had learned, and in your Manhood had improved upon, every Art, and every Science; though you had read *Greek* * at *Athens* instead of † *Lilybæum*, and *Latin* at ‡ *Rome* instead of *Sicily*, it would however be a prodigious Effort of Genius, if you could compass, by Application, an Affair of so great Importance and Expectation, comprehend it in your Memory, explain it by your Eloquence, and recommend it by the Beauty of a fine Voice and spirited Action.

You will, perhaps, say, So! then it seems all these Qualities meet in you. I wish they did; however, I have earnestly endeavoured from my Childhood to attain them. But if, by Reason of their Weight and Difficulty, I, who have made it my sole Business all my Life, have been unable to succeed, how must you be at a Loss, who not only never thought of them before, but, now that you are embarked in them, are ignorant both of their Nature and Importance!

I HAVE had, and I appeal for the Truth of what I say to all present, so much Practice in Pleadings

* The Sciences then flourished at *Athens*, and the *Greek* Language was spoke with more than ordinary Purity.

† *Lilybæum* is one of the three Promontories of *Sicily*, lying towards *Lybia*.

‡ *Cicero* here sneers at *Cæcilius*, who chose to learn both *Greek* and *Latin* in *Sicily*, where both Languages were much neglected, and little used.

Pleadings and Trials, that few or none of my Cotemporaries of equal Years have appeared in more Causes; I have dedicated every Hour I could spare from the Duties of Friendship, to render myself compleatly Master of these Studies, and to acquire a Habitude of Pleading, and a Readiness of Expression; yet, may Heaven never be merciful to me, as often as I reflect upon the Day when I am * to appear at the Bar for the Impeached, if I do not feel not only great Weight upon my Spirits, but a Trembling in every Joint of my Body.

I now figure in my own Mind the Sentiments and Consultations of the Public; to what a Pitch the Importance of this Trial will raise their Expectations; what a numerous Assembly the Infamy of *Verres* will summon together on this Occasion; and in short, what an Attention my Recital of his Villainies must beget. A Reflection on all this puts me at this Instant under the utmost Concern, how I shall deliver myself with a Dignity suitable to the Importance of the Occasion, the Expectations of the Public, or the Injuries of those whom Oppression has rendered his Enemies.

THESE, Sir, are Considerations, that give you no Concern, no Apprehension, no Trouble; if
you

* The Original has it, *Reo Citato*; i. e. upon a Trial.

you can learn by Rote from some antiquated Oration, * I PROTEST, MY LORDS, or, MY LORDS, I HUMBLy APPREHEND, or some such Common-place Expressions, you imagine you come compleatly prepared for a Trial. And, even were you to meet with no Opposition, I apprehend you would be incapable to state the Nature of the Cause.

Now you don't even reflect that you are to enter the Lists with a Man of Eloquence, and one who is every Way prepared for his Defence; one with whom you must go through every Weapon of Oratory; and use every Art, sometimes to move the Passions, sometimes to convince the Understanding; one whose Capacity I praise without dreading, and whose Eloquence I commend, without thinking it can impose upon my Judgment, though it charms me to Attention. His Measures shall never disconcert, his Arts shall never pervert me; nay, he never will attempt to shake or weaken my Resolution by his Abilities; for I know every Turn, every Quirk of the Gentleman's Pleading; often have we been on a contrary, often on the same

* In this Passage *Cicero* laughs at *Cæcilius*, whom he supposes to be so wretched an Orator, as to believe that he had acquitted himself handsomely, if he made Use of any of the Common-place Phrases of the Lawyers. I have here taken the Liberty of using the Phrases of our *English* Lawyers, instead of those used by the *Roman*.

same Side. While he pleads against me, he shall be convinced his Abilities, great as they are, shall receive some Trial in the Competition.

// As for you, *Cæcilius*, I imagine, I perceive in what Manner he would amuse and puzzle you in every Argument. When he shall bring you into a Dilemma, and leave you either to admit or deny the Fact; to agree or object to a Proposition, whatever Side you take, you shall still find it make against you. Immortal Gods! What Confusion! What Perplexity! What Doubts must the good Man fall into, when his Antagonist shall begin to digest the different Heads of his Accusation, and to * arrange upon his Fingers the principal Points of his own Defence! How must you be staggered when your Adversary shall ply you with his Proofs, his Definitions, and Divisions; how will you then begin to suspect that you have been persecuting an innocent Person! How will you look when he shall begin to commiserate, to extenuate, and to throw upon you some Part of the public Odium that now lies heavy on *Verres*! When he shall mention the Relation between the Offices of *Quæstor* and

M *Prætor*;

* *Cicero* here carries his Raillery against *Cæcilius* so far, as even to laugh at *Hortensius*, who numbered the Heads of his Defence upon his Fingers; a very shrewd successful Way of rendering a great Man ridiculous.

Prætor ; the Practice of our Ancestors, and the awful Award of the Provincial Lot. Are you equal to that Load of Reproach ? Consider, reflect again and again ; for to me there appears great Danger not only of his confounding you with his Pleading, but of his juggling you out of your very Senses by his Action, and thus driving you from every Purpose, from every Resolution you had formed.

12

BUT I perceive we are soon to have a Trial of your Abilities, by your Attempts to answer what I have now advanced. If you do that to Purpose ; if you *deviate* into one Word of Sense not contained in that Book, which some School-Master has vamped up from pilfered Pleadings, and put into your Hands, I shall then be inclined to admit that you may not be quite so unequal to this Trial, and that it is possible you may acquit yourself tolerably well as the Prosecutor of *Verres*. But if, in this Prelude with me, you shall be found Nobody, how can we imagine you will acquit yourself against a keen Adversary in the Engagement itself ?

BUT admitting that this *Cæcilius* is Nobody, that he can do Nothing, yet that he comes prepared with skilful, * expert Solicitors. This indeed

* The Solicitors were those who assisted the Accuser to manage

indeed is somewhat, but not all: For, in all Cases, the Person, who is to make the principal Figure, ought of himself to be both very eloquent and very ready. Yet, I perceive, that * *Lucius Apuleius* is his first Solicitor, a Man, not a Novice in Life, but so in the Business, and in the Practice of the *Forum*.

HIS next Solicitor, I think, is † *Allienus*, but him he has taken from the Forms. What Qualifications he may have in Speaking I never was at Pains to enquire, but he seems to have Strength and Lungs proper for Bawling: In him are all your Hopes; he, were you appointed the Prosecutor, will manage the whole Trial, and yet not even he in Pleading will exert his utmost Abilities, but consult the Decency proper to your Character, by checking some Part

M 2

of

manage the Accusation; and none were allowed to take this Office upon them, till they had received a Power of so doing from the Judges.

* Who this *Lucius Apuleius* was, we have no Accounts that can be depended on; only this much we may conclude, from *Cicero's* Words, that he was both an old Man and a bad Orator.

† This *Allienus* was only concerned in petty Trials, and puny Cases: For, according to *Nonius*, the Tribunes, the Quæstors, and inferior Judges, sat on Forms, or *Subsellia*, and not in the *Sellæ Curules*, or the Roman Chairs of State. Our Orator here plays a good deal upon Words, and throws out some Puns upon the Names of his Antagonist's Managers; particularly this *Allienus*, i. e. STRANGE; a poor Art of amusing a Bench; but it would appear from several Passages in *Cicero*, that it was often successful.

of his Eloquence, that you may appear somewhat considerable. Thus we have known the *Greek* Actors, who were to play an inferior Character, and had Advantages in Action over those who were to have the first, conceal a good deal of their Art, that the principal Parts might appear with greater Propriety. Such shall be the Conduct of *Allienus*, he will act an underling Part to yours, he will set off all your Charms, nay, to serve you, he will sink some Part of his rhetorical Faculties.

13

THEREFORE, my Lords, consider what Prosecutors we are to have in this great Trial: Since *Allienus* himself is about to suppress some Part of his Talents, if he has any, and *Cæcilius* hopes to appear considerable only, if *Allienus* appear less zealous, and leave him to act in the principal Character. Who is to act as the fourth Character in this Farce, I know not. Perhaps some one of these Pettifoggers who solicit Employment under the Prosecutor; no Matter to them who he is, *Cæcilius* or *Tully*.

YET, these are the Gentlemen, who, though they are but Guests and Strangers themselves, have furnished you with an elegant Entertainment to the Public. I shall not do them the Honour to take particular Notice of what each of them shall advance in his Turn. By this
short

short Method, since I mentioned them with no Design, but by Chance as they fell in my Way, I shall please them all. But do you imagine that I am so destitute of Friends as to be obliged to accept of a Sollicitor, not from amongst those who now attend me, but from the Dregs of the People? And are you so destitute of Clients, as to endeavour to wrest this Prosecution out of my Hands, rather than enquire after some Criminal Client of your own Rank from the * *Mænian* Column?

LET me, says he, be a † Spy upon *Tully*. A Spy, Sir! How many must I be obliged to keep in Pay, should you find Access to my Cabinet? It is not your Tongue only, but your Fingers that are to be watched. But my Opinion of all this Race of Spies is, in one Word, that such Men as this Court is composed of will never force a Spy upon me in a Cause, undertaken by, and entrusted to me. For my Honesty

M 3

* The *Mænian* Column stood in the *Forum*: At it Thieves, or Servants who had been guilty of some Fault, were punished by the *Triumviri*. At it Impeachments were laid against the less notorious Offenders; and it was frequented by the most profligate and abandoned Set of Wretches. It was called the *Mænian* Pillar, because, when *Mænius* sold his House to *Cato*, that the *Basilica* might be built where it stood, he reserved for himself and his Posterity one Pillar, as a Place where the public Shows might be seen.

† It was customary among the *Romans*, to set Spies upon the Accusers, that so they might not have an Opportunity of being corrupted or bribed; of these Spies the Accused had the Nomination.

neſty diſdains a Spy, and my Diligence daunts an Informer.

14

BUT to return to you, *Cæcilius* : You muſt ſurely be ſenſible under how many Defects you labour. You ſurely know how many Qualifications you have to recommend you to the Criminal as an Accuſer. What Answer can be made to this Objection? I do not aſk what Answer *you* can make ; for it appears to me that it is not from you, but from the Book which your Prompter holds in his Hand, that we are to expect an Answer ; but, if he prompts you ſeaſonably, he will adviſe you to be gone from this Place without attempting to answer me one Word. For what can you alledge, but the threadbare Story, That *Verres* has injured you? I grant he did ; becauſe it is highly improbable that you ſhould be the only Perſon, of the whole Province of *Sicily*, unaffected by the Injuries of *Verres*.

BUT your Countrymen found out an Avenger of their Wrongs. You, while you vainly endeavour to have Satisfaction for the Injuries you ſuffered, labour that thoſe which he inflicted on others ſhall paſs unpunished and unrevenged ; nor do you perceive that it is not the *Right* only, but *Power* to puniſh, that is conſidered. Where both theſe meet in one Perſon,
he

he certainly is preferable; but where the Competition lies between two, who each have but one of these Recommendations, the Choice naturally falls on him who has most Power, not on him who has the best Will.

BUT, if you are of Opinion, that he who has received the greatest Wrong has the best Right to carry on the Prosecution, do you imagine that these Judges will resent the Wrongs done to your single Person, equally with those inflicted on an oppressed and plundered Province? I believe yourself will allow that these are vastly more flagrant, and more apt to rouse Resentment in every Breast. Suffer then a whole Province to have the Preference to you in this Prosecution; for the whole Province accuses, when the Person whom the Inhabitants have chosen as the Asserter of their Properties, the Avenger of their Wrongs, and the Advocate for their Rights, is the Manager of the Impeachment.

BUT you urge that *Verres* has done you an Injury sufficient in its own Nature to interest others in your Quarrel. This I deny, and I think it is very material that the Nature of the Injury, as well as the Grounds of your Resentment should be expressed. Then, my Lords, learn it of me; he, alas! is incorrigibly stupid,

if you can ever learn it of him. There was at *Lilybæum* a Lady named * *Agonis*, enfranchised from the Service of † *Venus Erycina*, and before his Quæstorship she was in easy, plentiful Circumstances. One of ‡ *Antony's* Officers violently carried off some Music-Servants belonging to her, under a Pretence that he was to employ them on board the Fleet. The Lady then, as is common to all who attend, or are enfranchised from the Service of *Venus* in *Sicily*, urged to the Captain the Awe and Authority of *Venus*, and that she and all her Estate were the Property of that Goddess. When this was told to the § virtuous, disinterested *Cæcilius*, he ordered *Agonis* to be summoned before himself, and instantly caused it to be ¶ tried whether she had said that her Person and Estate belonged to *Venus*. The Delegates immediately, as they were obliged to do, because nobody disputed the Fact, give their Verdict

* Of this *Agonis* we have no Account in History that can be depended upon; but we are at no great Loss upon that Account, since *Cicero* is so particular upon this Head, that we cannot possibly mistake his Meaning.

† *Eryx* was a very high Hill in *Sicily*, on the Top of which *Venus* had a Temple, and on this Account she was stiled *Venus Erycina*.

‡ The *Antony*, here spoke of, was appointed to protect the Sea Coasts before the War with the Pirates; but, having declared against the *Cretans*, he unfortunately perished by some Piece of bad Management.

§ That this Passage is ironical, the Reader cannot fail at first View to perceive.

¶ It belonged to the Prætors and Quæstors of the Provinces, to appoint Judges in private Causes; but the Quæstor alone could not do it, without a delegated Power from the Prætor.

dict that the Lady had said so. The Quæstor upon this puts the Plaintiff into Possession of her Fortune; adjudges her in her Person to be the Slave of *Venus*; then sells her Estate, and puts the Money into his own Pocket. Thus, while *Agonis* wanted to preserve a few Slaves under the Sanction and Service of *Venus*, the Injustice of this Man stripped her of all her Fortunes and Liberty. *Verres* afterwards comes to *Lilybæum*, takes Cognisance of the Fact, reverses the Decree, and obliges the Quæstor to refund to the Lady all the Money which arose from the Sale of her Estate. I see you are surprized, but *Verres* was not then a *Verres*, but a * *Mutius*. For what could he do, that could be more agreeable in the Eyes of Mankind, more suitable to the Distress of the Lady, or more vigorous against the Corruption of his Quæstor? These, to me, are all amiable Qualities; but *Verres* all of a sudden, and on the Spot, as if he had tasted an † enchanted Cup, sinks into a true ‡ *Verres*. He gives Way to Na-

15

* *Cicero* means *Mutius Scævola*, a Man of untainted Honour, and known Goodness; who, for the Space of nine Months, governed *Asia* so much to the Satisfaction of the Inhabitants, that they kept a Day in Honour of him, which they called the *Dies Mutia*.

† In the Original it is *Circes Poculo*, or that Cup given by *Circe* to her Guests; after a Draught of which she touched them with her Rod, and changed them by that Means into Swine; but, being besmeared with a certain Ointment, they were restored to their wonted Form.

‡ Here *Cicero* childishly plays upon his Antagonist's Name; *Verres*, as we before observed, signifying an uncastrated Hog.

Nature and Education, he sweeps a large Share of that Money into his own Pocket, and returns to the Lady any little Pittance which he thought proper.

HERE, if you say that you suffered by *Verres*, I shall admit and own it; but, that you was *wronged* by him, I dispute and deny. In the next Place, none of us have any Call to prosecute this Injury with more Keeness than yourself, who pretend to be the Sufferer. If you afterwards came into his good Graces; if he sometimes supped with you, and sometimes you with him, whether do you chuse to be thought a * *Rogue* or a *Shuffler*? One of them you must be, I will not differ with you about the Alternative; you may chuse which you will.

BUT, if not the least Proof of the Injury you alledge can be produced, what can you shew, what can you plead, why you ought to have the Preference, as the Accuser, not only to me, but to all Mankind, other than, as I hear you
are

* In the Original it is *Perfidiosus vel Prævaricator*: The *Perfidiosus*, which I have translated *Rogue*, signified among the Romans one who pretended to be a Friend, when he was indeed an Enemy. The *Prævaricator*, on the other hand, which I have rendered the *Shuffler*, signifies one who pretended to be an Enemy, when at Bottom, and underhand, he was a real Friend.

are prepared to do, that you was his Quæstor? This, indeed, would be a material Circumstance in your Favour, were we contending who should most befriend him: But, as our present Dispute is upon the Preference of the Right to prosecute, it is ridiculous to pretend that Friendship is a good Reason for your appearing as his Enemy.

ADMITTING that his Wrongs to you had been reiterated, yet still was it more meritorious to suffer, than to revenge them. But, as no Action in all his Life was more consistent with Justice, than that which you term an Injury, will this Court find that this, which, even in an unexceptionable Prosecutor, would not be allowed, should be a just Ground for your violating the Relation you stand in with him? Admitting he has wronged you, heinously wronged you, your Impeaching the Man under whom you was Quæstor is *shameful*; and, if he has not wronged you, *villainous*. Therefore, as the Wrong you have suffered is by no means evident, must not every Judge in Court incline that you should depart without Blame rather than with Infamy?

BUT see the Difference between your Way of Thinking and mine. You, though inferior
in

in every other Respect, imagine that the single Circumstance of being his Quæstor intitles you to be preferred to me: But I think that, were you better qualified in every other Respect, this very Circumstance is a just Ground of Exception. For it is a Doctrine transmitted to us from our Ancestors, that the Prætor is in Place of a Parent to his Quæstor; that no Relation can be more binding, more interesting than a Conjunction in Office, than the common Discharge of a public Duty, at the same Time, and in the same Province.

16

THEREFORE, though consistent with Law, you could prosecute him, yet you cannot, consistent with Piety, because of your filial Ties. But, as he never did you Wrong, if you impeach your Prætor, then must you acknowledge that your Enmity is, on your Part, unjust and detestable: For the Nature of your Office, as Quæstor, requires this of you, that you should labour to give a Reason why you, who was his Quæstor, should accuse him, and not that for that very Reason you ought to have the Preference in accusing him. Nor is there scarcely an Instance of a Cause of this Kind brought by a Quæstor, which was not rejected.

THUS *

THUS * *Lucius Philo* was excluded from prosecuting *Caius Servilius*; *Marcus Aurelius Scaurus*, *Lucius Flaccus*; and *Cneius Pompeius*, *Titus Albutius*; not one of these was excluded on Account of Insufficiency, or Immorality, but lest the wanton Dissolution of a sacred Tie might receive a Sanction by the Sentence of a Court. Yet this very *Cneius Pompeius* had the same Plea against *Caius Julius*, that you now have against me. He had been Quæstor to *Albutius*, as you to *Verres*. *Julius* strengthened his Plea with this Circumstance, that he was solicited by the *Sardinians*, in the same Manner as I am now by the *Sicilians*, to impeach. This Circumstance has always had decisive Weight, it was always thought a glorious Proof of an Accuser's Integrity, when, for the Allies of *Rome*, for the Good of a Province, and the Advantage of a distant People, he created Enemies to himself; when for them he exposed himself to Danger, and interposed with all the Abilities, with all the Zeal, and with all the Application he was Master of, in their Behalf.

FOR if an Action is justifiable when brought by a Man in order to redress the Injuries he suffers,

* There were two Men in *Rome* of this Name, the one Prætor, and the other Quæstor, who, in all Probability, was the Man here meant by *Cicero*. The others, mentioned in the subsequent Lines, are too well known to need any Description.

suffers, in which Case he seeks Relief not to his Country, but to himself, how much more glorious, how much not only more justifiable, but meritorious, is the Action brought upon no private Injury, but to redress the Wrongs, and alleviate the Anguish of the Allies and Friends of *Rome* ! Lately, when * *Lucius Piso*, a Man of the greatest Courage and Innocence, moved for an Information against † *Publius Gabinus*, he was opposed by ‡ *Quintus Cæcilius*, under a Pretence that he was prosecuting him upon an old Grudge. The Cause of *Piso* was found to be as just and honourable as his Person was respectable and amiable, because the § *Achæans* had adopted him their Protector.

As, in Favour of the Allies and Friends of *Rome*, a Law was passed relating to Extortion, it is unreasonable to suppose that the Man, whom these Friends and Allies point out as the Manager of their Concerns, and the Protector of their Interests, is not a proper Prosecutor in an Impeachment founded on that Law. Ought not
not

* This *Lucius Piso* was by Profession a Lawyer, and, when Tribune of the People, enacted a Law relating to Extortion.

† This *Publius Gabinus* had the Government of *Asia* some Time before this.

‡ It will be necessary to inform the Reader, that the *Quintus Cæcilius*, here spoken of, is not the same with him who sought a Right of accusing *Verres*.

§ The *Achæans* was a Name for the *Greeks* in general ; but is here only taken for the Inhabitants of *Pontus*, who accused *Gabinus* of Extortion.

not the Motives of a Prosecutor greatly to increase the Weight of his Evidence? And should not the Man, who has the most honourable Motives, be presumed to have the most equitable Proofs?

THEN which of these Allegations is the most illustrious and honourable: *I accuse the Man to whom I was Quæstor, the Man with whom I was connected by Fate, by the Laws of my Country, and by every Decree of God and Man: Or, I impeach at the Instance of my Friends and Allies, at the Request of a whole Province, whose Rights and Properties I defend?* Can a Doubt remain, that it is not more honourable to impeach at the Request of the People, among whom you was Quæstor, than to impeach the Man whose Quæstor you was?

THE best Men, in the * best Ages of Rome, have ever deemed the fairest and most distinguishing Part of their Character to consist in redressing the Wrongs, and asserting the Properties of Strangers, of their own Vassals, and of foreign Nations, Allies, and Tributaries of Rome. It is recorded, that the virtuous, the wise, and the illustrious † Cato created many powerful Enemies

* Cicero here points at those Times when Honesty was universal in the Republic, and Extortion so little known and practised, that there was not so much as a Law against it.

† This Cato accused *Sergius Galba*, for plundering the Inhabitants

nemies on Account of the Injuries done to the *Spaniards*, amongst whom he had been while Consul. We all know, that * *Cneius Domitius* lately impeached *Marcus Silanus*, on Account of the Wrongs inflicted on a single Person, one *Ægritomarus*, the Friend and Guest of his Father.

AND indeed nothing strikes a greater Terror in the Guilty, than this Practice of our Ancestors, now repeated and renewed after long Disuse: The Complaints of our Allies represented to a Man of some Activity, and their Redress undertaken by a Person, who seems to be able to defend their Properties with Zeal and Honesty.

THIS is what these Gentlemen dread, and therefore oppose. It is a Principle, they are sorry should ever have been broached, and more sorry still to see it practised. They think, that, should this Custom insinuate and prevail, Law and Equity must pass through the Hands of Men

bitants of *Lusitania*, the third Part of ancient *Spain*, and by this Accusation procured a great many Enemies to himself. He likewise, at their Instances, accused *Publius Furius*, for setting an immoderate Price upon Corn.

* This *Domitius* accused *Marcus Silanus*, a Man of Consular Dignity, on Account of some Injuries he had done to one *Ægritomarus*, of whom we have no other Account than what *Cicero* gives us in this Passage.

Men of Virtue and Courage, and not of such beardless Boys, and Pettifoggers as these.

OUR Fathers and Forefathers were not ashamed of this Principle, or of this Practice, when * *Publius Lentulus*, then the † Head of the Senate, with *Caius Rutilius Rufus*, his Sollicitor, accused ‡ *Marcus Aquilius*; or when *Publius Africanus*, a Man the most distinguished of Mankind for Virtue, for Fortune, for military Glory and Success, after he had been twice Consul and Censor, impeached *L. Cotta*. Rome had then a Right to Glory and Prosperity; the Honour of this Empire, the Majesty of this City, had then a Right to challenge Respect and Reverence. No Man was then surprized in the great *Africanus*, at the Things which they who bear me Spite pretend now to be surprized at in me, a Man of narrow Circumstances, and slender Capacity.

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WHAT

* This was probably the Father of that *Lentulus Sura*, who was strangled in Prison for his being embarked in the Conspiracy of *Catiline*.

† The Words of the Original are *Princeps Senatus*, who was chosen by the Censors, and was commonly the oldest of their own Number.

‡ This *Marcus Aquilius* was accused of Extortion by *Lentulus*, but defended by *Antony*, who drew aside his Garment, and shewed the Scars of those Wounds he had received for the Republic, in the War with the Slaves in *Sicily*.

WHAT does he mean, say they? Can the Man, who has still been accustomed to defend, Hope to succeed in impeaching, especially at an Age when he is standing for the * *Ædileship*? But I think it a Glory not only at my Years, but at a much more advanced Time of Life, to impeach the Wicked, and to relieve the Oppressed and Afflicted. And indeed either it is a Remedy for a † languishing and almost incurable State of a Government, corrupted and contaminated by the infectious Vices of a Few, that Men of Honesty, Integrity, and Application, should take upon them the Direction, and vindicate the Honour of Law and Equity: Or, if this is ineffectual, the Disease is too far gone, and too much complicated to admit of a Remedy.

NOTHING gives greater Strength to Government than that an Impeacher should be as tender of his own Reputation, Honour, and Fame, as the Impeached is solicitous about his Life and
Pro-

* The *Ædileship* was an Office of the second Dignity in the Roman State; and none could bear it who were not arrived at the thirty-sixth Year of their Age, which *Cicero* at this Time was.

† I have here used a very pardonable Liberty with the Original, which runs, *ægrota, ac prope desperata Reipublica*: The Republic was by the Romans said to be *ægrota*, when she swarmed with bad and wicked Members; and she was said to be *desperata*, and *prope desperata*, when she was either altogether, or in a great measure crushed by them.

Property: Therefore the most jealous of their own Characters have still proved the most keen and active Prosecutors of others. Thus, my Lords, you ought to think that *Quintus Cæcilius*, a Man of little or no Consideration, from whom very little is expected upon this Trial, who has very little Reputation now to lose, and but little Hopes of gaining any hereafter, will not manage this Impeachment with the Severity, the Accuracy, and the Diligence it requires; for if he should fail he has nothing to lose, if he is shamefully and scandalously foiled, yet still will he retain all his native and acquired Honours.

OF me my Country has * many Pledges; Pledges, which I am called upon by every Tie to preserve, to defend, to confirm, and to redeem. She has the † Honour for which I am now Candidate; she has ‡ that Hope which gilds the future Prospect of my Life; she has a Reputation earned by my Sweat, my Watchings, and my Toils. If I acquit myself honestly and diligently in this Trial, then shall they be delivered up safe and unblasted by my Country; but should I trip, should I fail in the least

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* *Cicero's* Country had many Pledges of him, on which he set a high Value; his Wife, his Children, his Relations, and his Friends.

† This Honour was the *Ædileship*.

‡ The Hope of the *Prætorship*, and *Consulate*.

Circumstance, then must one Minute cancel the laborious and gradual Acquisitions of a whole Life.

THEREFORE, my Lords, it remains for you to pitch upon the Man whose Honesty, Diligence, Wisdom, and Authority are most likely to answer the great and important Ends of this Prosecution. Should you prefer *Cæcilius* to me, I should think it no Derogation to my Honour ; but take Care, lest the People of *Rome* should think that this just, this severe, this keen Prosecution was neither agreeable to you, nor is so to your Order.



THE

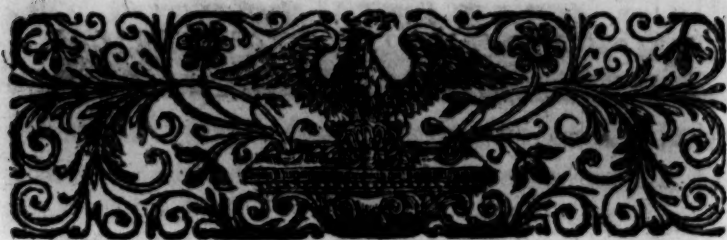


THE
A R G U M E N T.

ARCHIAS, by Birth of Antioch, by Profession a Poet, the Tutor, the Companion, and the Friend of Cicero, was accused before the Prætor, by one Gracchus, upon the Law by which every Man who was enfranchised in any of the confederated Cities, and at the Time of the passing the Law dwelt in Italy, was obliged to claim the Privilege before the Prætor within sixty Days.

CICERO, in the following Pleading, makes a faint Attempt to prove that Archias was, in the Sense of that Law, to all Intents and Purposes, a Roman Citizen; but lays the greatest Strefs of his Argument upon the personal Merit of his Client, and the Dignity of his Profession, which, according to him, entitled him, though he had been an Alien, to the Privileges of a Roman.

This is sufficient to give the Reader an Idea of the Occasion of the following Pleading, which happened in the 692d Year of Rome, and the 46th of Cicero's Age.



M. T.

C I C E R O's
O R A T I O N
F O R
A R C H I A S.



F, my Lords, I have any Capacity, * which I am conscious is but slender; if I have any Experience in Speaking, in which I do not deny I have been moderately conversant; if I have any Art in this Business, which has been improved

* *Cicero*, from his consummate Knowledge of Human Nature, saw that nothing was so well calculated for gaining the Affections of an Audience to an Orator, and prejudicing them in his Favour, as a becoming Modesty, when he made mention of himself: He therefore mentions his own Abilities with a graceful Reluctance, and professes his Sense of their being but slender and ordinary. It were to be wished, that this Modesty had taken place through all the rest of his Works; if it had, the World would have looked upon him not only as a better Man, but a more finished Orator; for Virtue and Modesty, at least the Appearance of them, have a surprizing (I had almost said an incredible) Influence on the Success of an Orator.

proved by a regular * Application to the Study of the Arts, which I confess have ever pleased me through all Stages of Life, the Defendant, *A. Licinius*, has the chief Right † to claim the Fruit of all my Qualifications, of all my Abilities. For, as far as I can retrace the Scenes of Life, or collect the remotest Memory of my Childhood, he it was, who, in the Course of all my Studies, prompted my Application, and directed my Progress. If, therefore, my Tongue, filed by his Art, and tutored by his Precepts, ever relieved the Oppressed,

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my

* *Cicero* was all along very keen in the Pursuit of Knowledge, and careful to make himself Master of those Branches of Learning which were known to the Age in which he lived. While a Youth, he applied himself to the Study of Philosophy, at Rome; and as he says himself, in his *Brutus*, his Thirst after Knowledge was so strong and insatiable, that he, of his own Accord, committed the Charge of his Education to *Philo*; a Circumstance, which not only discovered his Love of Learning, but, at the same time, the Goodness of his Taste; for *Philo* was at that Time as universally, as justly, admired. *Plutarch* relates of *Cicero*, that, even when a Child at School, his Genius was so surprizingly vast, and the Fame and Glory he had acquired among his School-fellows so great, that People were wont to visit the School, with no other View than that of seeing him. This Superiority of Genius, and unbounded Love of Learning, were all along distinguishing Parts of *Cicero*'s Character: For, even after he came to bear Offices in the Republic, his leisure Hours were scrupulously devoted to the Study of Philosophy; to which he likewise applied himself when the Orators had not an Opportunity of pleading, upon Account of the Republic's being embroiled by the Usurpation of *Caesar*.

† *Archias* had been Præceptor to *Cicero*, who, when but a Boy, had such a Turn for Poetry, that he wrote his *Pontius Glaucus*, in Tetrameter Verse; which *Plutarch* says was extant in his Time.

my Duty, and my Gratitude direct me to do my utmost, in defending and assisting the Man who formed it to defend my Fellow-Creatures, and to succour others.

AND here, lest some should be surprized at what I advance, as if the Turn of his Genius, his Eloquence, and his Studies, are quite different from mine, give me Leave to say, that I never wholly applied myself to the Study of Eloquence. For in all the liberal Professions there is an intellectual Relation, a secret Charm, that, connecting the one to the other, combines them all.

AGAIN, lest any of you should blame me for introducing in * a regular Proceeding, in a public Pleading, before a Prætor, the best of Men, and of Magistrates, before impartial Judges; in so full, so frequent an Assembly, a Stile unknown to the Forms of a Trial, † and inconsistent with the Practice of the Bar: I beg to be indulged in what I hope you will conceive to be a decent Liberty of Speech, by suiting it
to

* The Words in the Original are *Quæstio Legitima*, which, among the *Romans*, signified no more than a Case provided for by the Law, and in which any one had a Right to call the Delinquent to a Trial.

† This is very artful in *Cicero*; he knew that he had the worst of the Argument, and therefore wanted to divert the Attention of the Judges by the Beauty of his Fancy; which, as it was unusual to introduce in a public Proceeding, he here apologizes for it.

to the Circumstances of my Client. In pleading for an excellent Poet, and a Man of Letters, surrounded, as I am, by a Crowd of learned *Romans*, encouraged by your Patronage of Arts and Sciences, and protected by such a Judge, give me Leave to enlarge upon the Love of Learning and the Muse, and to use an unprecedented Language in supporting the Character of a Man, whose *lettered Indolence* has ever been averse to the Bustle of public Life : Indulge me, I say, in this, and I will prove, my Lords, that, as *Archias* is a Citizen, he ought not to be disfranchised ; nay, though he had the Misfortune of being an Alien, yourselves shall own that he is worthy the Privileges of a *Roman*.

For, soon as *Archias* ceased to be a Boy, and had bid adieu to the Studies that tutor the youthful Mind into the Love of Arts, his Genius led him to Poetry. His Capacity soon happened to distinguish him at * *Antioch*, the Place of his Birth, which was noble, and a City once eminent and wealthy, and fertile in Men of great Learning and true Taste. Afterwards in his Progress through the other Parts of *Asia*, and all over *Greece*, so much was he admired, that, tho' they expected more than what they had heard,
yet

* This City was the Metropolis of *Syria*, built, according to *Strabo*, by *Seleucus Nicator*, and the Place of *Archias's* Nativity.

yet did they not expect so much as they saw and experienced of his Genius.

ITALY was then full of the Professors of the fine Arts and Sciences; they were more assiduously then cultivated even in *Latium*, than they now are in her Cities, and the public Tranquillity afforded them some Shelter even here in *Rome*. Therefore the Inhabitants of * *Tarentum*, *Rbegium*, and *Naples*, presented him with the Privileges of their respective Cities, and other Marks of their Regard; and every Man, who had the smallest Discernment or Taste, was proud to know and to entertain him. His *Fame* thus spreading to Places where his *Person* was unknown, he came to *Rome* under the Consulate of † *Marius* and *Catulus*; to these he endeared himself. The Actions of ‡ *Marius* afforded the noblest Subject for Poetic Genius; and the § other not only deserved to be the Theme, but actually was the Judge and Friend of the Muse. Immediately the

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* This was a City of *Græcia Major*, situated in *Calabria*, on the Sea Coast, and lying towards *Sicily* and *Naples*.

† These two were Consuls in the 651st Year after the Building of the City.

‡ The fourth Consulate of *Marius* was then running, and he, having taken *Jugurtha*, routed the *Cimbrians*, the *Teutons*, and *Ambrones*, might well be said to afford a worthy Theme to the Poets and Orators of his Time.

§ This other was *Catulus*, of whom *Cicero* makes very honourable Mention, in his Books *de Claris Oratoribus*, and *de Oratore*.

* *Luculli*, while *Archias* was but seventeen Years of Age, invited him to their House. But, my Lords, it was the Virtues of the Heart, and Humanity of his Nature, as well as the Charms of his Muse, and the Brightness of his Genius, that recommended him to a Family, where he both spent his early Youth, and grew grey in the Practice of every social Virtue.

HE was in these Days enjoyed by † *Marcus Metellus Numidicus*, and his ‡ Pious Son, admired by § *M. Æmilius*, familiar with the elder and the ¶ younger *Catulus*, courted by ** *L. Crassus*, and so endearingly intimate was he with with the *Luculli*, †† *Drusus*, the ‡‡ *Octavii*,
* *Cato*,

* These were two Brothers, *Lucius* and *Marcus Lucullus*: *Lucius* triumphed over *Mithridates* and *Tigranes*; and *Marcus*, his Brother, over *Macedonia*. *Plutarch* relates of *Lucius*, that he had a large and well chosen Library, which was always open to Men of Learning.

† This *Metellus* got the Surname of *Numidicus*, because, when he was Consul, he routed *Jugurtha* in two pitched Battles, and laid waste all *Numidia*: According to *Plutarch*, he was Uncle to the *Luculli*.

‡ This *Metellus*, the Son of *Metellus Numidicus*, is surnamed *Pious*, because, by his Prayers and Intreaties, he procured his Father's Return from Banishment.

§ *Æmilius Scaurus* was at that Time Head of the Senate, and a Man of great Authority in Rome.

¶ *Quintus Catulus* was an Orator and Consul.

** *Lucius Crassus* was a great Orator, as we may learn from a Passage of *Cicero de Oratore*, where he is introduced as speaking.

†† This *Drusus* was the Uncle of *Marcus Cato*; and, according to *Velleius Paterculus*, he was Tribune of the People, and was slain at Home, in the Beginning of the Social War.

‡‡ In Rome there were three *Octavii*, viz. *Cneius*, who was
Con-

* *Cato*, and all the *Hortensian* Family, that they thought no Expression of their Regard for him too great. Thus, an Acquaintance with *Archias* grew in some Sense to be a *Fashion*, and courted not only by Men of Taste and Discernment, but by those who were blind to all his Beauties, and sought Reputation by pretending a Regard for his Profession.

HAVING lived long in this Manner, he † went to *Sicily* with *L. Lucullus*, and, having left that Province in the same Company, he came to ‡ *Heraclea*, which being a City joined with *Rome* by the § strictest Faith and Friendship, he expressed his Desire of being enfranchised

Consul, in Conjunction with *Cinna*, by whom he was banished from the City, when attempting to introduce some pernicious Laws. Another *Cneius*, not descended of the same Father, who was *Curio's* Colleague in the Consulate. And *Lucius*, the Brother of *Cneius*, who was Consul in Conjunction with *Cotta*.

* This was the Father of that *Cato* of *Utica*, who killed himself.

† *Lucius Lucullus* went to *Asia* in Quality of Quæstor; when Prætor, he had the Government of *Sicily*, and when Consul, that of *Asia* entrusted to him; and *Archias* attended him in those Provinces.

‡ *Heraclea* was a City of *Italy*, bordering upon *Campania*: According to *Strabo*, it was formerly called *Troy*; but, the Colonies of the *Tarentines* settling in it, it was afterwards called *Heraclea*, and since they enjoyed the same Privileges with the City of *Rome*, and it was numbered among the Associate Cities, *Archias*, of Course, might claim the Privileges of a *Roman* Citizen.

§ This Alliance with *Heraclea* was entered into, and confirmed, in the Time of *Pyrrhus*, under the Consulate of *Fabius*, in the 175th Year after the Building of the City.

chised in that City. This was granted, as well on Account of his personal Merit, as by the Recommendation and Favour of *Lucullus*. The Terms on which, by the * *Plotian Law*, any Alien might be admitted a Citizen of *Rome*, were as follows: IF THEY WERE ENROLLED BY FREE CITIES, IF THEY HAD A DWELLING IN ITALY AT THE TIME OF PASSING THE LAW, AND IF THEY DECLARED THEIR ENROLMENT BEFORE THE PRÆTOR WITHIN † SIXTY DAYS. *Archias* for many Years had a Dwelling at *Rome*, and he had declared before the Prætor *Q. Metellus*, who was his intimate Friend.

IF the Enfranchisement and the Law is all I have to prove, here will I rest my Defence; the Trial is over, for which of those Facts, *Gratus*, can you invalidate? Will you deny his Enrolment at *Heraclea*? *Lucullus*, a Man of the strictest Honour, Truth, and Integrity, is here in Court, ready to affirm it, not as a Matter that he believes, but knows to be true; not
as

* When *Cneius Pompeius Strabo* and *Lucius Porcius Carbo* were Consuls, *Marcus Plautius Silvanus* and *Cneius Papyrius Carbo*, Tribunes of the People, made a Law relating to Strangers. See the following Note.

† There were three Clauses in this Law: If any one was registered in the Books of an Associate City, had a Dwelling in *Italy*, and within sixty Days after the Law was made, attested himself before the Prætor, he was judged a *Roman Citizen*.

as a Thing he heard, but saw ; not as an Affair in which he had some Concern, but what he really transacted. Commissioners from *Heraclea*, all of them Men of Quality, on Account of this Trial are present, ready to produce the public Mandates and Declaration of their Constituents, that prove him an *Heracleian* by Enrolment, But here you demand that the public Archives of *Heraclea* should be produced, though we all know that they, and the Office which contained them, were consumed by Fire in the *Italian* * War. How ridiculous therefore is it, not to plead to the Evidences which we are ready to produce, and to insist upon our producing Evidences which it is impossible we can command ; to refuse what is recent in the Minds of Men, and to appeal to the Authority of Registers ; to reject what is affirmed on the Honour of an illustrious *Roman*, and the unquestionable, the uncorruptible Faith and Oath of a free City ; and to demand the Evidence of Registers, which, at the same Breath, you own may be, and often are vitiated !

BUT he had no Dwelling at *Rome*. He, who, for so many Years before he obtained his En-
fran-

* The Inhabitants of *Italy* despairing of making themselves Masters of the City of *Rome*, they at last conspired, and waged War upon the *Romans*, which was called the *Social War* : And likewise the *Marfan*, because first raised by the *Marfi*.

franchisement, had made *Rome* the Seat of all his Affairs and Fortunes: But he did not *declare*; I affirm, he did, nay * entered his Declaration into those Registers of *Metellus*, which alone by that very Declaration, and their being in Custody of the College of Prætors, have a Title to the Authority of public Archives.

FOR, as the Registers of † *Appius* are said to have been very negligently kept, the Corruption of *Gabinus* before he was accused, and his Fate after he was condemned, in a Manner cancelled the Authority due to public Records. But *Metellus*, the most modest, most virtuous Man alive, went before *Lucius Lentulus* the Prætor, and the other Judges, and complained of the Erasure of one Name; now I say that the Name of *Licinius* is still to be read there without any Erasure.

If this is Fact, why should you doubt of his Enfranchisement, especially as he was enrolled in other free Cities? If in † *Greece* Men of no Consideration, and professing either no Art at all,

* He took Care, as the Law prescribed, that his Name should be recorded; not in those Registers which were negligently kept by the Prætor (and in which many stole an Opportunity of writing their own Names) but in those kept by *Metellus*, whose Integrity was unquestioned.

† *Appius* and *Gabinus* were Prætors when *Archias* was attested.

‡ He here means *Græcia Magna*, which was a Part of *Italy*, reaching from the Confines of *Latium* to *Tarentum* and *Cume*.

all, or a very mean one, were gratuitously enfranchised in their Cities, is it probable that the *Rhegians*, the * *Locrians*, the *Neapolitans*, and the *Tarentines* would deny to a Man, who had the Merit of a superior Genius to recommend him, a Compliment which they never scrupled to bestow on Players? How! when others, not only after their Enfranchisement, but even after the † *Pappian* Law, found Means to creep into the Registers of the Municipal Cities; shall he, who never claimed his Privilege by Virtue of his being enrolled in other Cities, because he wished still to be an *Heracleian*, be rejected?

You demand to see our Qualification by the Censors Books; as if it were doubtful that, at the Time of the last *Censors*, my Client was in the Army under that brave General *Lucius Lucullus*; in the Time of their immediate Predecessors, he was in *Asia*, where the same General was *Quæstor*, and under ‡ *Julius* and *Crassus* the People underwent no Capitation. But as
an

* *Archias* had the Immunities of a Citizen conferred upon him by the Inhabitants of *Locris*, a City in the remotest Skirts of *Italy*.

† *Petronius* at first made a Law, forbidding Strangers to enjoy the Privileges of Citizens; and *Pappius*, a Tribune of the People, when *Cotta* and *Manlius* were Consuls, restored it, in the Year of the City 688.

‡ *Lucius Julius Cæsar* and *Publius Licinius Crassus* were Censors, when *Cneius Pompeius* and *Porcius Cato* were Consuls, in the Year of the City 664.

an Enrolment in the Censor's Books does not constitute an Enfranchisement, but only proves that a Man thus enrolled assumed the Character of a Citizen, know that at the Time in which you pretend that, even by his own Confession, he had no Right to the Freedom of *Rome* by our Law, he often made his Will according to our Laws, he administered as Heir to *Roman* Citizens, and was recommended to the Treasury by *Lucius Lucullus*, then Consul and Prætor, as worthy of Preferment.

FIND out, therefore, if you can, some other Arguments, for neither by his own nor his Friends Conduct, can he ever be convicted. You demand, *Gratus*, of me, why I am bewitched with this Man? I answer, because he supplies me with an agreeable Relaxation for my Spirits, when fatigued with this Bustle of the *Forum*, and charms my Ears when stunned with its Noise. Do you imagine that I could possibly furnish Matter for my daily Pleading on such a Variety of Heads, were not my Understanding cultivated with Learning; or that my Mind could be equal to such Straining, were it not sometimes unbent by learned Amusements? Yes, I own myself to be enchanted with these Studies. Let those be ashamed who so bury themselves in learned Dust, as that their Qualifications can neither be of Use to Society, nor

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give

give Credit nor Reputation to themselves: But what have I to be ashamed of? I, my Lords, who never have been detained by Interest or Indolence, distracted by Pleasure, or diverted by Sleep for so many Years from the Offices of Humanity. Then who can justly blame, who can censure me, if, while others are pursuing the Views of Interest, gazing at * festal Shews and Solemnities, exploring new Pleasures, reposing the Body, or unbending the Mind, while they are deep in the Midnight Revel, in Dice or Diverſion, I spend the recollective Hour in the pleasing Review of these Studies? Farther I can urge in my own Excuse; to them it is owing that I thus speak, that I thus reason; that no Acquirements did I ever possess, which have not been employed to relieve my Friend. These indeed may be thought slender, but I am conscious from what Source even those of the most exalted Nature are derived.

FOR, had not my youthful Mind, from many Precepts, from many Writings, drunk in this Truth, that Glory and Virtue ought to be the Darling, nay, the only Wish in Life; that, to attain these, the Torments of the Flesh, with the Perils of Death and Exile, are to be despised;

* The Original is *Tempestivis Conviviis*; which were such Entertainments as begun before the accustomed Hour, and were lengthened out till very late at Night.

fed; never for your Deliverance had I expos'd my Person in so many Encounters, and to these daily Conflicts with the worst of Men. But, on this Head, Books are full, the Voice of the Wife is full, the Examples of Antiquity are full; and all these the Night of Barbarism had still enveloped, had it not been enlightened by the Sun of Science. How many Pictures of the bravest Men, not to be gazed at, but to be imitated, have the *Greek* and *Latin* Authors left us! It was by the lovely Ideas which I drew from their Excellence, that I regulated my Conduct as a Magistrate, and at once improved my Head and my Heart.

How! it may be said, were all those great Men, whose Virtues are recorded, skilled in the Learning that you are so lavishly praising? It is hard to say that they all were; but I affirm one Thing as certain. I own that I have known many, who, without Letters, by the almost divine Intelligence of their own Nature, have enjoyed every good Quality, every amiable Virtue, and of themselves have acquired the Love and Veneration of Mankind; nay, I will add that Nature without Learning is of more Efficacy towards forming such a Character, than Learning is without Nature: But at the same Time I do insist, that, when intelligent improvable Nature is assisted by polished Education,

and regular Study, then somewhat inexpressibly beautiful, something inimitably excellent, is ever the Consequence.

SUCH was the Divine * *Africanus*, known to past Ages, such the amiable † *Lælius*, and the temperate *Furius*, and such, known to this Age, was ‡ *M. Cato*, that brave *Roman*, and learned old Man; all these never had applied to Learning, but from a Consciousness that their innate Virtue was improved and enlightened by Study. But, were Pleasure without Utility to be the sole End of Learning, yet must you own it to be the most generous, the most humane Exercise of the rational Faculties. For other Exercises are neither proper for all Times, all Ages, or all Places; but these Studies employ us in Youth, and amuse us in old Age; in Prosperity they grace and embellish, in Adversity they shelter and support; delightful at Home, and easy Abroad, they soften Slumber, they shorten Fatigue, and enliven Retirement. Tho' I myself never had felt their Efficacy, nor could have

* The youngest Son of *Paulus Æmilius* was surnamed *Africanus*. This Youth, according to *Cicero*, added a Dignity to his warlike Glory by his Eloquence.

† This *Lælius* was surnamed *Sapiens*; and is by *Cicero*, de *Claris Oratoribus*, said to far exceed *Scipio*, in Point of Eloquence.

‡ This *Marcus Cato* was a Man of great Authority and Courage: When very old, he applied himself to the *Greek* Language; and he learned the *Latin* when pretty old. *Cicero* makes frequent Mention of his Eloquence in his Piece de *Claris Oratoribus*, and in his Book de *Senectute*.

have tasted their Excellence, yet must they have been the Object of my Adoration, even when I see them in others.

WHERE amongst us is the Mind so barbarous, where the Breast so flinty, as of late to be unaffected with the Death of * *Roscius*? He died indeed an old Man, but a Man whose Art and Elegance seemed to challenge Immortality to his Person. Was he then so universally esteemed and loved for the inimitable † Management of his Limbs? And are we to overlook the divine Enthusiasm of Genius, and the glowing Energy of the Soul? How often, my Lords, have I seen this *Archias* (for I presume upon your Goodness, as I am encouraged by your Attention to this unusual Method of Pleading) how often, I say, have I seen him, when, without the Assistance of a Pen, he poured forth a Number of excellent Lines on Subjects that were transacting while he composed them! How often has he ‡ cloathed the same Subject

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* This was the *Roscius Comædus*, for whom *Cicero* pleaded, and whom *Quintus Catulus* pronounced more beautiful than the rising Sun, notwithstanding his squinting Eyes and distorted Looks.

† He had such a graceful and majestic Air, in the very Motions of his Body, that after him, whoever excelled in any Art was called a *Roscius* in his own Way.

‡ *Archias*, when demanded to cloath his Thoughts in other Expressions, could do it with such Ease and Fluency, as surprized all who were Witnesses of it.

in a different Turn of Words and Expression, while whatever was the cool, the digested Result of his Study, if reduced to Writing, has in my Hearing met with an Approbation nothing short of what is due to the Merit of Antiquity itself! Has not this Man then a Right to my Love, to my Admiration, to all the Means which I can employ in his Defence? For we are instructed by all the greatest and most learned of Mankind, that Education, Precepts, and Practice, can in every other Branch of Learning produce Excellence. But a Poet is formed by the Finger of Nature, he is aroused by the mental Vigour, and inspired by what we may call the Spirit of Divinity itself. Therefore our *Ennius* has a Right to give to Poets the Epithet of * *Holy*, because they are, as it were, lent to Mankind by the indulgent Bounty of the Gods,

MAY you, therefore, my Lords, as you are Men of great Learning and Politeness, suffer the Name of *Poet*, which no Barbarism ever profaned, with you to be *Sacred*. Rocks and Deserts are † respondent to the Voice, Music has Charms to sooth and tame the horrid Savage;

* *Plato* styles Poets the Sons and Interpreters of the Gods.

† He here alludes to the Fable of *Orpheus*, whom the Poets feign to have charmed Tygers, Lions, Woods and Trees, by the Music of his Harp. By this Fiction they wanted to represent to us the Force and Efficacy of Poetry, to tame the fiercest of Natures, and sooth the most savage Breast.

vage; and shall we, with all the Advantages of excellent Education, be deaf to the Voice of the Bard? The * *Colophonians* claim *Homer* for their Countryman: The † *Chians* assert him to be theirs. The *Salaminians* affirm him to be a ‡ *Salaminian*, but the § *Smyrnians* affirm him

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to

* These were the Inhabitants of *Colophon*, a City of *Ionis*; famed for its being the Seat of the Oracle of *Apollo*, and the native Country of *Nicander* the Poet.

† *Chios* was an Island in the *Ægean* Sea; and, if we may give Credit to *Stephanus*, was the most splendid City belonging to the *Ionians*.

‡ A People of the Island *Cyprus*.

§ *Smyrna* was a Town in *Ionis*. The History of the Seven Greek Cities laying Claim to *Homer* is so well known, that we need not take up any Time in describing it here. This is a Piece of Sophistry that an Orator durst not have used before an *Athenian* Tribunal: That an acute People would easily have discovered, that the Whole was an Imposition upon their Senses. 1st, To insinuate, that because *Homer* was a Poet, and *Archias* was a Poet, therefore that *Archias* had a Right to the same Honours with *Homer*. 2^{dly}, To bring a Case of a dead Poet, or Citizen, as a Parallel with that of a living one. Five hundred Cities might have claimed *Homer*, yet not one of them have suffered either in their Interests or Privilege. But the Case of *Archias* was of a very delicate Nature; the Immunities of a Roman confederated City were very considerable; and the Cities which had gained them had deserved them by their great Services to the State. The Numbers of *Greeks*, at that Time residing in *Rome* and *Italy*, had filled all these Cities with Inhabitants, who had no other Recommendation, as we may learn from several Passages in this Oration, but the Favour of some great Man, who had a Taste for the fine Arts. This was a very great Discouragement to the brave and industrious Inhabitants; and, for that Reason, the Law, upon which *Archias* was prosecuted, was passed to prevent Interlopers. *Cicero*, therefore, had he been Council against an Orator who had used such general Arguments, would have exposed their Weakness by shewing that the Merits of *Archias*, and the Dignity of his Profession, had nothing to do in the present Case. He might have joined

to be of *Smyrna* : Therefore have they dedicated a Temple to him in their City ; and many other People draw their Swords on one another upon the same Account.

Do they therefore claim a Stranger, because a Poet, for their Countryman, even though dead, and shall we reject this living Poet as ours, who has a *Roman* Heart, and the *Roman* Laws to recommend him ; especially as *Archias* employed the utmost Efforts of his Art and Genius to make *Rome* immortal by his Muse ? For, when a Youth, he sung the * *Cimbrian* War, and touched with Pleasure even the stubborn, the untractable Soul of † *Marius*,

NOR is there a Breast so unsusceptible of Poetry, who is not pleased that the Muse should be the eternal Herald of his Praise : It is said that ‡ *Themistocles*, the greatest Man of *Athens*, when

joined with his Antagonist in bestowing all the Encomiums upon both, which they could admit of, yet all was nothing to the present Question, which was a Matter of Fact, and depending upon a Law which was clearly against *Archias*.

* The Words in the Original are *Cimbricas Res attigit* ; which I have translated, *sung the Cimbrian War* ; because *Archias*, when a Youth, had really done so, and in that Performance run out upon the Glory and Dignity of the *Roman* Empire.

† *Archias*'s Conversation was very agreeable to this *Marius*, who not only hated the Studies which *Archias* followed, but likewise had a thorough Aversion to the *Greek* Tongue, which *Archias* spoke. *Vide Sallust.*

‡ *Themistocles* was an *Athenian* General ; and so great a Man, that none of all the *Greeks* was preferred, and few thought equal to him. *Vide Corn. Nep.*

when asked, *What Melody, or whose Voice he heard with the greatest Pleasure*; answered, *That of the Man who could best rehearse his Virtues.* Thus the same *Marius* had the highest Esteem for *Lucius Plotius*, whose Genius he thought was capable to celebrate his Actions.

THE *Mithridatic War*, a War of such Importance, such Difficulty, such Variety; of such Action, both by Sea and Land, is all painted by *Archias* in Verses, that not only do Honour to *Lucullus*, the best of Men, and the greatest of *Romans*, but reflect Lustre upon the Dignity of *Rome* herself. For the *Romans* under *Lucullus* penetrated into *Pontus*, till then impregnable by Means of its Frontier guarded by a Monarch's Arms, and a Situation almost inaccessible by Nature. Under him, the *Roman* Arms, with an * inconsiderable Force, routed the innumerable Troops of the † *Armenians*. To his Conduct it was owing, that the *Romans* had the Glory of snatching and securing ‡ *Cyzicum*, the City of our dearest Allies, from all the Fury of a Monarch, and out of the destructive Jaws of a whole impending War. To
our

* When *Tigranes*, at the Head of a vast Army, saw *Lucullus* advancing with an inconsiderable One, he cried out, If these came as Ambassadors, their Numbers were sufficient; but if they came with a View to fight, they were by far too few.

† These were the Subjects of *Tigranes*.

‡ This is a small Island, with a City of the same Name, in the White Sea between *Asia* and *Europe*.

our Praise shall it ever be recorded and related, that, under *Lucullus*, we sunk the Enemy's Ships, we slew their Generals, and performed Miracles in the Sea-fight of * *Tenedos*. Ours are the Trophies, ours the Glory, and ours the Triumphs. Therefore, the Genius, that records the Actions of our Heroes, at the same Time celebrates the Glory of our Country. Our † *Ennius* was dear to the elder *Africanus*, and it is thought his Statue was erected in Marble, amidst the Monuments of that Family. Not only the immediate Subject of a Poem, but even the Glory of the *Roman* People derives a Lustre from those

* *Tenedos* is a small Island and City of the lesser *Asia*, over-against *Sigæum*, a Promontory of *Troas*.

† *Ennius* was an ancient Poet, born at *Rudiae*, a Town of *Calabria*. He wrote a Book of Annals in Verse, and many other Things, of which we have only now some Fragments remaining. His Character in general is too well known to need any farther Description, only there is one Part which we think deserves to be mentioned; and that is, that he never sung of War and Arms, except when he was drunk. *Horace* humourously touches upon this Part of his Character in these Lines:

*Ennius ipse pater nunquam nisi potus ad arma
Profluit dicenda.*

He was very much respected by *Scipio Africanus*, who, according to *Valerius Maximus*, erected his Statue among the Monuments of the *Cornelian* Family; which Circumstance receives an additional Proof from the Lines of *Ovid*:

*Ennius emeruit Calabris in montibus ortus,
Contiguus poni Scipio magne, tibi.*

those Praises of the Poet. *Cato*, * the Ancestor of the Judge who sits here, is ranked among the Gods, and so the highest Honour reflected on the Conduct of the *Romans*; in short, all the † *Maximi*, the *Marcelli*, and the *Fulvii*, whose Virtues the Muse records, communicate a Proportion of their own Glory to every Man in *Rome*.

DID our Ancestors then admit to the Privileges of a *Roman* a Native of ‡ *Rudia*; and shall we eject out of *Rome* an *Heracleian*, whom many Cities have courted, but whom the Laws of *Rome* ascertain to be her's? Ridiculous is the Mistake in imagining that the Merit of a *Greek* Poet is inferior to that of a *Latin*. *Greek* Verses are read almost universally; the *Latin* are confined to the narrow Bounds of *Latium*. Therefore, if the Operations of the *Roman* Arms are limited only by the Limits of the Earth, we ought to pant that our Glory and Fame should

* This was *Cato Major*, who, according to *Livy*, was a Man of uncommon Judgment; and had a happy Turn for managing either public or private Business. In War he was an expert General; in Peace, a skilful Lawyer; and in Pleading a great Orator.

† These were the Men who, in the second *Punic* War, became famous on Account of the Victory they gained; and whose Valour and Conduct had been sung by *Ennius*. The chief of them were *Quintus Fabius Maximus*, *Marcus Claudius Marcellus*, (who convinced the World that *Hannibal* could be conquered;) and *Quintus Fulvius Flaccus*, who took *Capua*.

‡ *Rudia* is a City of *Calabria*, built by the *Greeks*.

should *reach*, at least, as far as our Power is *felt*. These, as they are strong Motives to the People in general, whose Actions are celebrated, so to the particular Heroes, who expose their Lives in the Field of Honour, they have still been found the principal Incentives to Danger and to Toil.

WHAT a Number of Writers is the * great *Alexander* said to have carried along with him ! Yet, when he stood by the Tomb of *Achilles* at *Sigeum*, † *Happy Youth*, he cried, *who found a Homer to celebrate your Courage !* Irrefragably true ! For, had it not been for the ‡ *Iliad*, the Fame and the Ashes of *Achilles* had been buried in the same Grave. And did not § *Pompey* the Great,

* *Cicero* here shews, from the Example of *Alexander*, how much Poets were esteemed and honoured by great Men ; for he always kept a Tribe of Poets about him ; and, though some of them were none of the best, yet he was so charmed with their Productions, that he bestowed very ample Rewards upon them, which gave Occasion to these Lines in *Horace* :

*Gratus Alexandro Regi Magno fuit ille
Chærilus, incultis qui versibus & male natis
Retulit acceptos regale Numisma Philippos.*

† He was happy on two Accounts : First, on Account of his Virtue and Valour ; and secondly, because he had *Homer* to place his Worth and the Glory of his Actions in such a beautiful and striking Light, as that they could not fail to charm After-Ages.

‡ This incomparable Poem takes its Name from *Ilium*, because it treats of the War carried on there between the *Grecians* and the *Trojans*, for the Rape of *Helen*.

§ *Cicero* here shews the Honour in which Poets were had, from

Great, with us, who has raised his Fortune equal to his Merit, in a military Assembly, enfranchise * *Theophanes* of *Mitylene*, the Poet, of his Praise? And these brave Countrymen of ours, rough and unpolished as they were, felt yet the Emotions of Glory, and sent up an approving Shout, as sharing in the Fame of their Leader.

ARE we then to suppose, that, if *Archias* had not by our Laws been a Citizen of *Rome*, he could not have obtained his Infranchisement from some General? Would *Sylla*, when he admitted *Gauls* and *Spaniards*, have refused the Suit of *Archias*? *Sylla*, I say, whom we once saw in an Assembly, when a very obscure Poet presented him a Petition upon the Merit of a hobbling Epigram to his Praise, ordered him instantly to be rewarded out of a personal Estate, which was then selling, on Condition that he should scribble no more. Would the Man, who thought that the Labours even of a wretched Poet deserved some Reward, have been ungrateful to the Wit, the Genius, and the Excellency

from the Example of *Pompey*, who, when going into *Spain*, to wage a dangerous War (by a Law made by the Consuls *Lucius Gellius Publicola* and *Lucius Cornelius Lentulus*) obtained a Power of bestowing the Freedom of the City upon those who had behaved well in the War.

* This *Theophanes* was an Historian and a Poet. He sung the Deeds of *Pompey*, and was on that Account presented with the Liberty of the City, by the unanimous Consent of the Soldiers.

cellency of *Archias*? Could neither he nor the *Luculli* have had Interest enough with *Metellus Pius*, his intimate Friend, who was lavish of his Infranchisements, to obtain that Boon, especially as that great Man had such a Passion for having his Actions recorded in Verse, that he heard, with some Degree of Pleasure, the harsh uncouth Things, called Verses, of Poets * born at *Corduba*?

NOR must we dissemble a Truth which can never be darkened, which we must all avow : The Love of Praise biasses all Mankind, and the greatest Minds are most susceptible of a Passion for Glory. Those very Philosophers, who most preach up a Contempt of Glory, prefix their Names to their Works, and the very Performances in which they run down Ostentation and Distinction, are evident Proofs of their Vanity and Love of Fame. † *Decimus Brutus*, that great Man, and excellent General, adorned the Entrance of the Temples, and the Monuments
of

* This was a City of *Hispania Bætica*, and, though it had become a Proverb for the bad Poets it produced, yet it gave Birth to some Men of uncommon Parts, among whom were the two *Seneca's* and *Lucan*.

† This *Decimus Brutus* was Consul in Conjunction with *Scipio*, in the Year of the City 616 ; and, going General into *Spain*, he routed sixty Thousand of the *Gallæcians* ; which Success procured him the Sirname of *Gallæcius*. Vide *Paterculus* & *Strabo*.

of his own Family, with the Verses of * *Attius* his intimate Friend. The great † *Fulvius*, who in his War with the *Ætolians* was attended by *Ennius*, made no Scruple to consecrate the Spoils of *Mars* to the Muses. In this City, therefore, if Generals in their Armour have dignified the Name, and worshiped at the Shrine of the Muses, you, my Lords, in your Robes, ought to assert their Honour, and protect their Poets.

MY LORDS, to encourage you to this, I will now unbosom myself, and confess my perhaps too keen, but virtuous, Passion for Glory; for all that, in Conjunction with you, I effected during my Consulship, for the Safety of this City and Empire, for the Lives of *Romans*, and the Liberties of my Country, is the Subject of a Poem which *Archias* has begun on that Subject. So much as I heard of it, which at once gave me Surprise and Pleasure, induced me to exhort him to compleat it. For Virtue requires no other Reward for all her Toils and Dangers, but

* This *Attius*, or *Accius*, wrote some Tragedies, and is made Mention of by *Horace*, in this Line,

Nil comis Tragici mutat Lucilius Acci.

† When this *Fulvius* went into *Ætolia* to carry on a War, he took *Ennius* along with him; which, *Cicero* tells us, in his first Book of *Tusculan Questions*, was thrown upon him by Way of Reproach.

but this of Praise and Glory. Take this away, my Lords, and what can remain in this narrow this scanty Career of Life, that has Charms to prompt us to Toils and Dangers?

SURE if the Mind could not launch into the Prospect of Futurity, were the Operations of the Soul to be limited to the Space that bounds those of the Body, she would not weaken herself by constant Fatigues, nor vex herself with continued Watchings and Anxieties, nor would she think even Life itself worthy of a Struggle. But a certain Principle lives in the Breast of every good Man, whose unceasing Hints prompt and inspirit him to the Pursuit of a Fame, which is not commensurate to our mortal Existence, but extending to the latest Posterity.

CAN we, who have undergone Dangers for our Country, think so narrowly, as to imagine, that, though from our entering, to our leaving the World, we have never breathed without Anxiety and Trouble, yet that all Consciousness shall be buried in the Grave with ourselves? If the greatest Men have been careful to leave their Bustoes and Statues, those Images not of their Minds, but of their Bodies; ought not we to wish rather to transmit to Posterity the Resemblance of our Wisdom and Virtues, designed and finished by the most accomplished Artists?

tists? For my Part, while I acted as I did, even then I imagined, that I was disseminating and transmitting my Actions to the remotest Corners, and the latest Ages of the World. Whether therefore my Consciousness of this shall cease in the Grave, or, as some learned Men have thought, it shall survive as a Property of the Soul, yet one Thing I am sure of, that at this Instant I feel from the Reflection a flattering Hope, and delightful Sensation. Therefore, my Lords, retain the Man whom the Affections of his Friends, his own Virtues, and his own Genius recommend. And, how great his Accomplishments are, you may learn from the greatest Men in *Rome*, who court him for their Friend: And his Plea is of such a Nature as to be proved by the Construction of the Law, by the Faith of municipal Cities, the Evidence of *Lucullus*, and the Registers of *Metellus*. As the Case thus stands, we are emboldened, my Lords, if the Intercession not only of Men, but of Gods, can have any Weight, to hope, that the Man, who has ever added Lustre to you, your Generals, and your Country; who has undertaken to transmit to Posterity an eternal Memorial of your Praise, while your and my domestic Dangers are yet recent; and whose Character has ever been esteemed and pronounced sacred, shall be sheltered under your Protection,

P

that

that he may seem to be rather relieved by your Humanity, than oppressed by your Rigour.

THE Matters of Fact, my Lords, which I have with my accustomed Brevity and Simplicity related, require, I hope, no farther Proof. The Manner in which, contrary to the Usage of the *Forum* and the Bar, I have enlarged upon the Genius of my Client, and the general Merits of his Profession, will, I hope, by you be taken in good Part, as I am sure they will by him who presides on your Bench.



THE



THE A R G U M E N T.

MARCUS MARCELLUS was one of the most determined Opposers of the Power of Cæsar. After he had been Consul, in Conjunction with Sulpitius Rufus, he joined with Pompey in the Civil War: When the Battle of Pharsalia, where he was present, was over, instead of taking Advantage of the Willingness which Cæsar expressed to treat with the greatest Lenity all those that surrendered, he in a Manner put it out of the Power of Cæsar to save him.

It appears from the Character, and by what we can learn of Marcellus, that his personal Interest in the Senate was very great. Though he was but a Plebeian by Birth, yet he counted a great many Ancestors and Friends who were noble; and his personal Virtues were so great, that he was in the highest Degree of Esteem with the greatest Orators, Lawyers, and Patriots in Rome.

As to his Political Character, it appears in one Respect to have been singular, as it would seem that he disapproved both of the Conduct of

The ARGUMENT.

Cæsar and his Antagonists. He thought perhaps that the Civil Disputes then were, not if Rome should be free, but who should be her Tyrant. For, notwithstanding he was one of the principal Adversaries of Cæsar, both by his Tongue and Interest in the Senate, before the Commencement of the Civil Wars, yet after the Battle of Pharsalia he saw so much into the Views of both Parties, that he refused to join either; though the Example of Cato, and his strong Power in Africa, seemed to invite a Renewal of the War there on the Part of the Republic. He therefore chose to be obscurely good, to spend the Remainder of his Time in a lettered Indolence, forgot by, and forgetting the World.

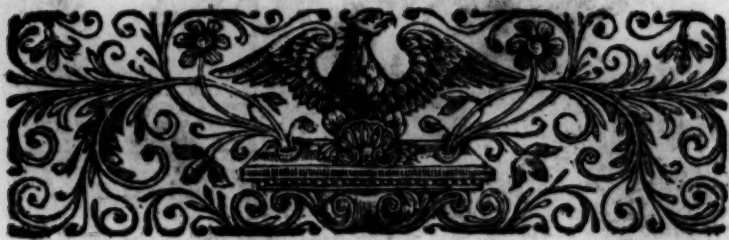
*For this Purpose he retired to Mitylene, a neutral City, where he lived without Hopes, Desire, or Prospect of returning to Rome. The Senate, however, encouraged by the many Examples of a generous Clemency which Cæsar had given in their own Body, resolved to petition Cæsar for the Pardon of Marcellus, whom they looked upon as the most useful Man in their Number. Cæsar, on the other hand, who before had Experience of the active Spirit, and invincible Aversion of Marcellus to his Party, could not persuade himself, or at least seemed unwilling to believe, that Marcellus in his Retirement was wholly taken up with Books and Contemplation; and he had lately heard
some*

The ARGUMENT.

some Hints of a Conspiracy to disturb his Government. Therefore, when the Senate as one Man implored his Clemency in Favour of Marcellus, he fell into a Kind of Revery, and his Magnanimity seemed for some Time to maintain a Struggle with his Resentment. For, while the Senate were on their Knees, he figured Marcellus present; and in a Kind of Soliloquy, Marcellus, said he, You still are, and always have been my inveterate Enemy, and even now I hear that Conspiracies are forming against my Person; but, as your Pardon is intreated by this venerable Body, I grant it.

All the Senators upon this severally returned him Thanks, but Cicero expressed his in the following beautiful Oration, which is perhaps one of the highest-strained Panegyrics that ever was pronounced. The Reader from it will easily learn the Esteem, the Love, and Friendship which Cicero had for Marcellus, with the Veneration and Dread which all Rome had of Cæsar.

It was delivered in the Year of Rome 707, and of Cicero's Age 61.



M. T.

C I C E R O's
O R A T I O N
F O R
M A R C E L L U S.

THIS Day, Fathers Conscript, has unloosed my Tongue from the Silence * which Grief and Regard, uninfluenced by Fear, imposed in these Times of Danger; and from this Hour will I date the Recovery of my old, my manly Freedom, of speaking what I think. Ill should my

* *Cicero* had, in Quality of an Orator, or Pleader, been long silent, upon Account of the Civil War between *Pompey* and *Cæsar*: For the Senators had retired, some to one City, some to another; and some of them had followed *Pompey*, among whom was *Cicero*, and a great many of the leading Men: For this Reason a Senate was not held at *Rome*: And even when *Cicero* was some Time after restored by *Cæsar*, he kept himself private, and made no Appearance in the Senate.

my Silence suit the Proofs of such excessive Humanity, such unparalleled, such unprecedented Clemency, such Exercise of Moderation in the Height of Power, with a Wisdom, so surpassing Belief, so approaching to Divinity. In *Marcus Marcellus*, Fathers Conscript, given back to you and his Country, I imagine that it is not his Voice and Authority alone, but my own, that is restored to the Service of *Rome* and her Senate.

HEAVILY, sensibly, Fathers Conscript, was I afflicted that so great a Man, who had been embarked in the same Cause*, should not share in the same Fortune with myself: Nor could I be persuaded that it was not a Kind of a Crime in me to resume my Functions in this my former Course of Life, while severed from the social Rival of my Studies †; and the agreeable Partner of my Toils. Therefore, *Gaius Cæsar*, you have restored that Practice which has been long debarred from my Person, and my former Course of Life; and at the same Time erected as it were a Flag ‡, that promises Pro-

P 4

tection,

* *Marcellus*, as well as *Cicero*, had followed *Pompey*, and opposed *Cæsar*; and is therefore said by *Cicero* to be embarked in the same Cause with himself.

† *Marcellus* was so great an Orator, that he even disputed the Prize of Eloquence with *Cicero* himself, by whom he is highly commended in his Book *de Claris Oratoribus*.

‡ As, in War, the Raising the Flag is a Sign that the Hopes
of

Protection, and inspires these Fathers of *Rome* with the best grounded Hopes as to the general Welfare. For I was convinced by many Proofs, but by none so strong as by my own Case, but lately every Circumstance has confirmed me in that Opinion, that when you lately gave back *Marcus Marcellus* to the Senate, to the *Romans*, and to his Country, especially after recounting all his Offences *, your Regard for the Honour of this Senate, and the Dignity of this Government, had cancelled all your Resentment, and stifled all your Suspicions †, The unanimous Intercession of the Senate, with the Majesty and Weight of your Concession in his Favour, has this Day amply repaid the Services of his whole Life. Important Lesson to the Great ! To teach them, what a Merit there is in bestowing a Favour, when there is so great a Glory even in receiving it ! Happy is the Man whose *Happiness* is felt not more by himself

of Victory are not lost, so, says *Cicero*, *Cæsar*, by restoring *Marcellus*, inspired the *Romans* with the pleasing Hopes of his good Intentions towards the Republic.

* *Marcus Marcellus*, when Consul, endeavoured to get himself sent as Successor to *Cæsar*, at that Time waging War in *Gaul*. He likewise did all he could to get *Cæsar* proclaimed an Enemy to his Country, if he did not forthwith disband his Army. In a Speech he stiled him Robber ; nay, which is more, he lashed with Rods a Magistrate of *Novocomum*, where *Cæsar* had planted a Colony, that so he might shew him to be no Citizen, and testify his Disapprobation of what *Cæsar* had done. These are the Offences of *Marcus Marcellus* against *Cæsar*.

† *Cæsar* suspected that *Marcellus* harboured a Design of killing him.

himself than by all Mankind! And such deservedly is the Case of *Marcellus*; for who excels him in Birth *, in Probity, in a blameless Life, in the Study of the noblest Arts, or the Praise of every virtuous Accomplishment? Tho' no Man alive possesses such a Stream of *Genius*; though no Man's Tongue, no Man's Pen, has such a Force, such a Flow, I will not say to embellish, but to enumerate the Actions of *Cæsar*; yet will he pardon me if I affirm, that from no Action in his whole Life will he reap more Glory than from that of this Day.

OFTEN have I imagined, and often have I said it with Rapture, that all the Exploits of our Generals, of those of *foreign* Nations, the most powerful People, and the most glorious Princes, fall far short of yours, in the Importance of the Struggles, the Number of Battles †, the Variety of Scenes ‡, the Celerity of Con-

* Though the Family of the *Marcelli* was only of a Plebeian Rank, yet it was rendered noble and illustrious by many signal Honours that had been conferred upon it; for no fewer than six of its Descendants had been Consuls; one of whom was honoured with the Consulship, five, and another three, different Times.

† *Cæsar* had fought fifty pitched Battles, according to *Pliny*, Lib. 7. Chap. 26; and, besides his Civil Victories, he had slain in Battle eleven Hundred and ninety-two Thousand Men.

‡ *Cæsar* had waged War in *Spain*, *Britain*, *Gaul*, *Egypt*, *Germany*, *Asia*, *Africa*, and *Greece*. In *Africa* he overcame *Pompey*; at *Pharsalia*, in *Egypt*, *Ptolemy*; in *Pontus*, *Pharnaces*, the Son of *Mithridates*; in *Africa*, *Scipio* and *Juba*; and in *Spain*, the Sons of *Pompey*.

Conquest *, and the Inequality of Force. You have visited, nay, you have conquered the most discontiguous Countries †, in shorter Time than the passing Traveller requires to hurry through them. All these are Circumstances, which I must be accounted void of Sense, did I not own them to surpass Imagination and Belief; yet you possess Merits surpassing even these ‡. Military Glory is often extenuated in the Relation, and, lest it should be engrossed by the Generals, some Part of it is stripped from the Commander, and communicated to the private Soldiers. And certainly in War the Courage of the Men, the Advantage of Place, the Support of Auxiliaries, Convoys, and Communications, are of great Importance. But Fortune still puts in her Claim for the greatest Share, and whatever is successful, that she arrogates to herself. But, *Cæsar*, in the Glory which you have lately gained, you have no Partner: Extensive, and
nothing

* *Cæsar* says of himself, in his Commentaries, that he did certain Things, *celerius opinione, sooner than one could well believe*; nay, he was sometimes so surprizingly expeditious with his Battles, that he had almost no sooner got a View of his Enemies, than he gained a Victory over them; as in the Case of *Pharnaces*, on which Occasion he pronounced these three celebrated Words, *Veni, Vidi, Vici, I came, I saw, I conquered*.

† *Cæsar* had gained Victories in *Germany*, and in *Africa*, Places lying in opposite Quarters of the World.

‡ *Cicero* here means Clemency and Mercy, which might in a peculiar Sense be called *his own*; whereas Victory, Conquest, and the Honours of successful War, were shared by others as well as himself.

nothing can be more so, as it is, it is wholly yours. No Captain *, no Colonel †, no Troop, no Battalion ‡, can here put in for a Share: Nor can even Fortune, that insolent Directress of human Affairs, here assume any Merit. She yields it to you, she owns it yours, and yours alone; for never can Temerity mingle with Wisdom, nor is Chance admitted to Counsel.

You have conquered Nations brutally barbarous †, immensely numerous §, boundlessly extend-

* These two Words in our Language, perhaps, come the nearest of any other to the *Latin* Words *Centurio* & *Præfectus*; however, lest there should not be an exact Correspondence between them in every Particular, it will not be improper to acquaint the Reader with the Station of these Officers in the *Roman* Army: The *Centurio*, then, according to *Vegetius*, Lib. 2. Cap. 8. was an Officer who had the Command of an Hundred Men, and was, in the Days of *Vegetius*, called *Centenarius*: The Horse only had their *Centuriones*. The Foot, on the other hand, had their *Præfecti*; of whom there were several Kinds; for some were stiled *Præfecti Legionis*, whose Business it was to discharge the Office, and exercise the Authority, of the Lieutenants in their Absence. Others of them were called the *Præfecti Castrorum*, to whom the Chusing the Ground for pitching the Camp, the Disposition of the Ramparts and Intrenchments belonged. The third Kind was the *Præfecti Annona*, whose Business it was to take Care that Provisions, Cloaths, and Horses, should always be in Readiness for the Soldiers.

† As we have no *English* Words that come fully up to the *Latin* Words, *Cobors* and *Turma*, a Translator cannot be blamed for using the Words *Troop* and *Battalion*, since by Means of them *Cicero*'s Thought is conveyed to the Mind of the Reader in all its Force and Beauty. See *Modestus* & *Vegetius* upon the Words *Cobors* and *Turma*.

‡ Such were the *Africans*, *Aegyptians*, *Britons*, *Gauls*, and *Germans*.

§ *Cæsar* is said to have conquered in *Gaul* four Hundred different

tended, and furnished with every Thing that can make War successful. Yet all these their own Nature, and the Nature of Things made it possible to conquer. For no Strength is so great as to be absolutely invincible, and no Power so formidable as to be Proof against superior Force and Courage. But the Man who subdues Passion, stifles Resentment, tempers Victory, and not only rears the noble, wise, and virtuous Foe, when prostrate, but heightens his former Dignity, is a Man not to be ranked with even the greatest Mortals, but resembling a God.

Therefore, O *Cæsar* ! the Pens and the Tongues, not only of *Rome* but of all Nations, shall celebrate your military Glory, nor in your Praises shall latest Posterity be silent. But it happens, I do not know how, that these Virtues, whether read or related, seem to be drowned in the Shouts of Soldiers, and the Clangor of Trumpets ; yet, when we read or hear of a merciful, a generous, a humane, a gentle, or a wise Action performed, under the Influence of Resentment, that Foe to Council ; or when flushed with Victory, that Prompter of Insolence and Pride ; with what a Passion are we fired for the Authors of such Actions, when we read them in History, nay, even in Romance ? We even often,

ferent People ; but it is to be observed, that these People were very inconsiderable, since they either derived their Names from some Town, or some petty Tract of Ground in *Gaul*.

often love those we never saw. But you, whose Presence we behold, whose Soul, whose Sense, and whose Look we perceive, that you should express your Desire to save all that the Fortune of War has left to your Country, with what Zeal ought we to attend, with what Tenderness ought we to love you? The Walls, Sir, of this Court, by Heavens, seem to wear an Expression of Gratitude, as if conscious, that a short Time will restore the *Roman* Majesty to this Seat of their Ancestors.

INDEED when I beheld the Tears drop from the Eyes of *C. Marcellus* * before you, a Man of the most consummate Virtue and Piety; the Remembrance of all the great *Marcelli* rushed upon my Breast; their Dignity, even after their Death, you have restored, by preserving *Marcus Marcellus*; and have saved almost from utter Extinction that illustrious Race now existing in but a few, a very few Descendants.

To this Day, therefore, may you give the Preference † in the long Catalogue of your most applauded

* This *Caius Marcellus* was Brother to *Marcus Marcellus*, in whose Favour he addressed *Cæsar*, in a very humble, and, at the same Time, a very warm Manner.

† Before the Civil Wars, *Cæsar*, for his Successes in *Gaul*, had twenty-five Days of Congratulation decreed him; an Honour, which before had never been granted to any, as he himself says, in *Lib. I. Bell. Civil.* and when the Civil Wars were at an End, he had, according to *Dio*, forty Days for the same Purpose

applauded Actions. For what you have this Day done, could be done by none but *Cæsar*; and it is characteristically his. What you did in the Field was indeed glorious, but you were then at the Head of a Body of brave Men. In this Action you stand single and unattended; an Action so great, that you may challenge Time to consume the Trophies it has reared, while every Monument, erected by Art and Labour, must yield to Age, and moulder into Dust.

BUT this Proof, of at once a gentle and a just Soul, shall ever be unfading. Time shall improve its Glory, in Proportion as it must consume other Monuments of your Greatness. All other Conquerors you have indeed outdone in the Virtues of Equity and Mercy, amidst the Horrors of Civil Commotion: In this Instance you have outdone yourself. But what I *express* is, I am afraid, faint, and unequal to what I *feel*. Give me Leave therefore to say, that you seem to triumph over your own Victories, by thus resigning to the *Conquered* the Fruits of your *Conquest*. For, while you had a Right by the Law of Arms, to treat us as *Enemies*, we are saved by the Judgment of your Clemency. Deservedly,

Purpose decreed to him. But the Day, here spoken of, was to be preferred to any of these; because, on it he had extended Mercy and Forgiveness, which are personal Virtues, and cannot, like the Glories of War, be shared in by others.

servedly, therefore, are you invincible, since you have taken even from Victory its Penalty and Force.

HEAR then, Fathers Conscript, how far this Clemency of *Caius Cæsar* extends. All of us, we must own, who, by a ruinous Fatality attending this Empire, were impellèd to Arms, are, in some Measure, liable to the *Imputation* of human Infirmary; yet are we now exempted from its *Penalty*: For, though he preserved to his Country *Marcus Marcellus*, at your Intercession, yet did he unasked and unsolicited restore me to myself, and the State, and the rest of those honourable Men, to themselves and to *Rome*; hence you see this Assembly so numerous, and so full of Dignity: He did not bring within these Walls his Enemies, but he judged that his Opposers were mostly hurried into Arms from Ignorance, from mistaken, from groundless Fears, rather than Ambition and Cruelty.

IN that War, indeed, my Sentiments were still for the lenient, the healing Measures of Peace: Much was I grieved, that not only an Accommodation, but the Voices of those *Romans* who implored it, were slighted. Never was I active in these, or any other Civil Commotions; my Voice and Thoughts were ever intent on the
gentle

gentle Arts of Peace, and averse from War and Bloodshed. I attended the Man * in a *private*, and not in a *public* Capacity; and so strong were the Ties of Gratitude on my Mind, that, *unexpected*, and *undesiring*, *conscious* and *cool*, I plunged into what I thought *unavoidable* Perdition.

My Advice upon this Head was neither dark nor secret. While Matters were yet intire, with unwearied Pains I recommended Peace to the Senate, and at the Peril of my Life did I deliver my Sentiments of this War. Therefore no Man can judge so partially, as to doubt of *Cæsar's* Way of Thinking in this Respect, since his first Cares were employed to preserve the Advisers of Peace, while to others he was more resentful. This perhaps might not be so surprizing, while Victory was balanced, and Events doubtful. But the Man, who, when victorious, loves the Counsellors of Peace, gives a noble Proof, that in his Eyes it is more eligible not to *fight* than to *conquer*.

AND indeed on this Head I am an Evidence for *Marcus Marcellus*; our Sentiments, not as to Peace only, but as to War, were always the same. How often, and in what an Agony

* Meaning *Pompey*, whom he does not think either decent or prudent to name.

ny have I seen him trembling at the insolent Behaviour of certain Persons *, and the barbarous Extremities to which Victory might transport them? Hence, O *Cæsar*! we, who had Experience of all this, must needs have a more exquisite Relish of your Generosity; for we are not now weighing the Principles of Action, but the Consequences of Victory †.

WE beheld your Victories close in the Field where they were won, and in *Rome* we saw not the Sword unsheathed. The *Romans* who fell, fell in the *Heat* of Battle, and not by the *Insolence* of Conquest; an infallible Assurance that *Cæsar*, did he possess the *Power*, retains the *Inclination*, to recall from the *Shades* a Multitude of *Romans*, tho' once his Foes; for even now he saves all he possibly can. As to the other Party, I shall only observe, that we all trembled lest Victory, had they been Victors, should be too destructive.

Q

NOT

* The chief of these certain Persons, *Cicero* here has in his View, were *Lucius Lentulus*, *Lucius Domitius Ænobarbus*, *Marcus*, and *Antonius*, who, rejecting all the Terms of Peace proposed, fomented and promoted the War with all the Keeness imaginable.

† Though *Cicero* often asserts, that the Cause of *Pompey* was far better and juster than that of *Cæsar*, yet here he drops the Justice of the Cause, and pays *Cæsar* a very great, and at the same Time a very deserved, Compliment upon the happy Effects of his gaining the Victory over *Pompey*; whose Victory, if he had gained it, would have been intolerable, upon Account of the Pride and Arrogance of those who were of his Party.

Not only the Armed, but the Unactive, were insolently threatened by some among them, and they declared they would not enquire *what a Man thought*, but *where he was*: So that to me it seems as if the immortal Gods (who, that some Crime of the *Romans* might be expiated, drove them into the cruel Calamity of Civil War) being now either appeased or satiated, had rested all the Hopes of our Pardon on the Wisdom and Clemency of the Victor.

THEREFORE, Sir, be proud of this amiable Quality, while you reconcile the Enjoyment of Power and Glory, to the Indulgence of your Nature and Disposition. The most fruitful Source of Pleasure to the Wise! When you reflect on other Circumstances that raised you to Greatness, much shall you attribute to your Courage, but more to Fortune. But never can you call to mind Us, whom with yourself you have reserved to see the Salvation of your Country, without awakening the pleasing Ideas, raised by reflecting on your extensive Benevolence, amazing Generosity, and unparalleled Wisdom: Virtues that form, I will not say the *highest*, but the *only* Blessing of Life. For such is the Effulgence of genuine Glory, so great the Dignity that beams from Magnanimity and Wisdom, that these seem the Gift
of

of *Virtue*, and all other Circumstances the *Loan* of *Fortune*. Indefatigably therefore, persevere in pardoning the Good, especially those who fell not by *Ambition* or *Corruption*, but deluded, by perhaps a *foolish*, but surely a *well-meant*, Notion of what was their Duty, and the specious Pretences of public Good. It is not owing to you, if some feared your Resentment; but it crowns your Glory, that the World in general is sensible, how little Foundation they had for their Fears.

Now proceed I to your heavy Charge and gloomy Suspicions*, all which ought to be guarded against, not more by you, than by every *Roman*, especially by us whom you have preserved: And, tho' I hope they are groundless; yet never shall I endeavour by my Expressions to extenuate them; for your Circumspection is our Safety; and were I to err on any Extreme; it should be that of *too much Caution*, rather than *too little Prudence*. But who can be such a Madman? Is he of your Friends? Who can be more so than they whom, contrary to their own Expectations, you brought from *Ruin*! Is he of those who followed you to the Field? Where is the Wretch so frantic, as not to

Q 2

prefer,

* When *Marcellus's* Brother threw himself at the Feet of *Cæsar*, and warmly and humbly applied for a Pardon to him, *Cæsar* made very grievous Complaints of *Marcellus*, and said, he suspected he intended to lay Snares for him.

prefer, even to his own Life, the Life of the Man, under whose Command he has risen to all that Ambition could wish! But, if your Friends enter into no Conspiracy, may not your Foes! Where are these to be found! For all, who formerly were so, either owed their Death to their own *Stubbornness*, or their Life to your *Mercy*. Thus no Man who ever was your Foe is alive, or, if alive, he is now your determined Friend.

YET as the Mind of Man is so dark, and so impenetrable, we ought to increase your Distrust, and at the same Time your Circumspection. For shew me the Man so new to the Affairs of Life, such a Novice in this State, so unheeding either his own or the common Safety, as not to be sensible, that in your Preservation his own is included, and upon your Life depends the Life of every *Roman*. For my Part, when I meditate Night and Day with due Attention on the Accidents of Life, the uncertain Enjoyment of Health, and the Frailty to which Nature is subjected, I tremble, I grieve, that this State, which ought to be eternal, should exist in the Breath of one Mortal. But if, with human Accidents and doubtful Events depending on the natural Constitution, Treason and Villany shall co-operate, to me it appears,

appears, that a God, were he *willing*, must be *unable* to save this Country.

By you alone, O *Cæsar*! every Thing, which you see overthrown and overturned by the unavoidable Calamities of War, is to be replaced: Public Justice must be restored, public Credit retrieved, the Lusts of Mankind suppressed, the Race of Mankind propagated, and every drooping Branch of the Constitution, that now hangs its Head, is to be reared and supported by the wholesome Severity of Laws. There is no Denying that in so fierce a Civil War, amidst such a Combustion of Arms and Opinions, in every Event the State must receive a Shock, by the beating down some of her most graceful Ornaments and firmest Bulwarks. For the Head of each Party, in the Storm of War, was forced on many Measures which he would have disapproved of in the Calm of Peace. You alone are the Physician to bind up these bleeding Wounds of your Country, and every Application from any other Hand must prove ineffectual.

With Reluctance therefore did I hear from your Mouth that Saying, which discovered at once the Hero and the Philosopher: *That you had lived long enough, either for Nature * or*

Q 3

for

* *Cæsar* was now in the fifty-fourth Year of his Age.

for *Glory*. Enough, if you will, for *Nature*; nay, I will add for *Glory* too; but surely, not for the chief Purpose of Life, *your Country*! Give, Give over, therefore, I conjure you, that philosophical Contempt of Death *. Do not be a Sage, at the Expence of your Country: For it has often reached my Ears, that it is commonly in your Mouth, *that you have lived long enough for yourself* †. True! if I could suppose that you lived for yourself, and was born for yourself alone. But now that your Courage and Conduct are connected with the Safety of *Romans*, and the Constitution of *Rome*; so far are you from having *completed*, that you have not yet laid the *Foundation* of these great Designs you meditate. Thus you limit your Life, not by the Good of your Country, but the Calmness of your Sentiments; yet even that is not enough for the Purposes of *Glory*; which, wise as you are, you must own to be the *ruling Passion* of your Soul.

SHALL I then, say you, *leave behind me but a scanty Portion of Glory*? No, Sir; to others it

* In the Original the Words run thus: *Quare omitte quæsa istam doctorum hominum in contemnenda morte prudentiam*; which I chose to translate in a general Way, for the Sake of the *English* Reader who is unacquainted with the Sentiments and Reasonings of the *Stoics* upon *Death*, and the Contempt of it.

† *Suetonius*, in his Life of *Julius*, Cap. 86, informs us, that *Cæsar* gave some of his Friends good Grounds to suspect, that he did not wish to live any longer, and that he was not grieved at his enjoying so bad a State of Health.

it would be *sufficient* ; but to *Cæsar* it is but *scanty*. For what considered by itself is *great*, may prove but *little*, when compared with the Degrees to which it may be extended. But if you are to crown all your immortal Actions, by leaving *Rome* in her present State, after subduing your Enemies, beware, great Sir, lest all the Divine Virtues you possess excite not *Admiration*, rather than impart *Glory*. For *Glory*, true *Glory*, is the bright, the diffusive Herald of all the Praise, which the Lover of his Country, and the Lover of Mankind deserves,

THIS Scene remains yet to be performed ; with this Catastrophe must you wind up the Action of Life ; that you settle the Constitution, and depart in Peace, after beholding and enjoying the Tranquillity and Salvation of your Country : Then, when you have paid all you owe to *Rome*, and when Nature is satiated with living, you may pronounce that *you have lived enough*. But what ! after all ; is this *enough* ? Is it a Period that cancels all Consciousness, and debars all Reflection, as to every past Joy of the Soul ! Yet a Soul like yours unbounded by the narrow Limits of Life, which Nature prescribes to us, has ever burned with a Passion for Immortality.

BUT your Life consists not in the Union

of the Soul and Body; of your Life, *all Time* shall be the grateful *Recorder*, Posterity the careful *Nurse*, and Eternity the faithful *Guardian*. For these must you labour, and by them you must be approved. Long have you performed Actions that may *amaze* them; it is now expected you should do somewhat to *delight* them. Posterity no doubt will be struck, when it hears and reads of your Conquests*, your Commands, the *Rhine* †, the Ocean ‡, the *Nile* §, your countless Fights, and incredible Victories, your Trophies, your Largeſſes ¶, and your Triumphs ||; but, if the Constitution of this City** is not strengthened by your Counſels, and guarded by

* *Cæſar* had before this Time been General in *Gaul*, *Britain*, *Germany*, and *Africa*.

† *Cæſar* firſt built a Bridge over the *Rhine*, croſſed it with his Army, and ſubdued the *Germans*.

‡ *Cæſar* firſt paſſed with a Fleet into *Britain*, which is ſurrounded with the Ocean.

§ He overcame King *Ptolemy* in *Ægypt*, which the River *Nile* waſhes

¶ After any Victory it was cuſtomary for the *Roman* Generals to give ſuch of their Soldiers, as had behaved well, a *Congiarium*, which, among the *Romans*, was a general Name for all Preſents given on that Occaſion, whether Money, Corn, &c. In this Paſſage *Cicero*, probably, has an Eye not only to theſe, but likewiſe to his Huntings, Feaſts, Theatrical Entertainments, &c. all which came under the general Denomination of Largeſſes.

|| *Cæſar* triumphed five Times, over *Gaul*, *Pontus*, *Egypt*, *Africa*, and *Spain*. Vide *Velleius Paterculus*, Lib. 3.

** What a glorious Proof is this, at once, of the Honesty of our Orator, and the Greatneſs of *Cæſar's* Soul? The former does not, as a Man of abandoned Principles, and no Adreſs, would have done, ſooth him in his Uſurpation, by hold-
ing

by your Laws, your Fame may traverse and flutter through the World, but never can it fix to one collective Point of Glory. In future, as well as in the present Age, great will be the Difference of Opinions; while some immortalize your Actions, others perhaps may wish that somewhat, nay, a great deal more, had been done; unless, by establishing the Happiness of your Country, upon the Extinction of civil Discord you prove that the one was the Work of Fate, the other of Wisdom.

SUBMIT, therefore, to the Judgment of distant Posterity, a more impartial Judge, if I mistake not, than the present Age; because their Sentiments must be uninfluenced, by

Love,

ing forth how much happier *Rome* must be under his absolute Sway, than she was under her former Government, and then proceed to extol the Equity and Justice of his Cause, and the Principles upon which he took up Arms: No; he either draws a Veil over all these Points (which he could not have advanced without the most gross Contradiction of all he himself had been acting and professing) or casts them into such a Light, 'as makes it plain, that he tacitly blames *Cæsar*: At the same Time, with inimitable Address, he launches out upon *Cæsar's* Qualities; his Courage, his Conquests, and his *Virtues of Humanity*, &c. all which his Foes confessed, and the most rigid Republican must have owned. But, at the same Time, our Orator, with an honest Boldness, tells him, that it was expected the Fruits of all these Qualities, and Virtues, were to be the Restoration of the *Roman* Constitution, and a total Forgiveness of all that was past; otherwise, as he insinuates, they must be looked upon as specious Views: This was a Language which a Tyrant of a less generous Turn of Mind, than *Cæsar* had, might have severely resented; but we find, that he was so far from Resentment, that this glorious Instance of our Author's Freedom and Friendship, only excited his Desire to hear him speak upon a like Subject again, which Opportunity soon presented, in the Case of *Ligarius*.

Love, Ambition, Hatred, or Envy. But if, as some falsely reason, you shall then be unconcerned at all this *, yet surely now it must affect you; now you must aspire to act so as that your Glory may never sink into Oblivion.

THE Affections of the Citizens were different †, and their Sentiments divided; for not only did we oppose one another in *Party* and *Principles*, but in *Arms* and in the *Field*. A certain Mistake prevailed; the Heads of both Parties were the most illustrious Men in *Rome*; many doubted which was in the right; many, what was most *expedient* for themselves; many what most *decent*; and a few, what was most *lawful*: The Commonwealth at length got over this ruinous, this destructive War: Victory favoured the Man who did not inflame his Resentment by Conquest, but softened it by Clemency; the Man who did not adjudge to Exile, or to Death ‡, the Enemy at whom he was exasperated. Some quitted their Arms §; they

* Here Cicero gently, and without any Breach of good Manners, reprehends *Cæsar*, who, according to *Sallust*, believed that the Souls of Men were not immortal, but ceased to exist immediately after their Separation from the Body.

† In the Civil Wars, some of them sided with *Pompey*, and others with *Cæsar*.

‡ It was with Reluctance that *Cæsar* put to Death *Faustus*, the Son of *Sulla Africanus*, and *Lucius Cæsar*, a Youth.

§ Upon *Pompey's* being overcome, some voluntarily quitted their Arms, and others did not; but these last, having followed *Scipio* and *Cato* into *Africa*, had their Arms taken from them, upon their being vanquished.

they were forced from others. That Citizen is unjust and odious, who, when Hostilities are laid aside in the Field, retains them in his Bosom; much more justifiable is he *, who lays down his Life in the Field of Battle, and seals with his Blood the Cause he has embraced; for what some will think *Stubbornness*, others will imagine to be *Constancy*.

BUT, because all civil Discord is now either subdued by the Arms, or extinguished by the Clemency, of the Victor, it only remains, that every wise Man, every Man who is not a downright Ideot, should own the same Allegiance. It is, O *Cæsar*! only by your remaining safe and fixed in the same Principles which you have heretofore, but this Day more particularly, expressed, that we can be preserved. Therefore, all of us, who wish the Prosperity of our Country, beg and intreat, that you would provide for your Life and Safety; and all of us (I speak for others what I myself feel) as you suspect some Reason to be cautious, promise not only to guard you by Day, and to watch you by Night, but to form with our own Bodies †, and

* There is a great Difference of Readings here. Some Copies admit a *Quam*. I have translated it as I find it in the Text of *Grævius*, though I do not think the Turn of the Period to be quite in *Cicero's* Manner.

† *Plutarch*, in his Life of *Cæsar*, informs us, that some of his Friends obtested him to set Guards upon his Person; and, when

and our own Breasts, the Wall of your Defence.

BUT, that I may end as I begun; the Thanks we now return you, *O Cæsar!* are great; and those we have in Reserve are greater still: For our Prayers and Tears are, on this Occasion, convincing Proofs, that we are all of the same Mind; but, as there is no Necessity that we should all deliver ourselves formally, they leave that Part to me, who am under a kind of Necessity to express whatever is becoming on such an Occasion, as that of restoring *Marcellus* to this Senate, to the People of *Rome*, and to the Bosom of his Country; for I perceive that this universal Joy springs not from a Sense of the Preservation of one Man only, but from the Good of the Whole.

MY Regard and Friendship for him was sincere and disinterested; a Friendship so plain to all the World, that it scarcely yielded to that of his excellent, his affectionate Brother *Caius Marcellus*, and, if to him, to Nobody else; since no Pains, no Anxiety, no Toil, was wanting in me while his Preservation was doubtful. And this sure is a Duty which I
ought

when many of them offered their Assistance in that Affair, he refused it, saying, It was better once to die, than to be daily racked with the Expectations of Death.

ought to perform in an Hour, that has delivered me from such Anguish, such Vexation, and such Anxiety. Therefore, O *Cæsar* ! I here return you Thanks, inasmuch as, by this single Act, you have crowned all your former Favours, of preserving my Life and adding to my Dignity: Yet this is an Accession, which I thought the innumerable Obligations I already owed you, could not have admitted of.



THE

THE
A R G U M E N T.

THE following Oration, one of the most celebrated that ever Tully pronounced, was owing to a Law preferred by C. Manilius, a Tribune of the People, constituting Pompey, General in the great War with Mithridates and Tigranes. Pompey having at the same Time the Command of a fine Fleet, by which he had suppressed the Pyrates, some Roman Patriots, from a laudable Jealousy of great Power vested in one Man's Person, opposed this Law, upon the Principles of the Roman Constitution, which never admitted one Man into such a Number of Posts, nor gave him so extensive a Command as to put it in his Power to destroy the Liberties of his Country; except in Times of the most imminent Danger to the State, and then a Dictator was chosen, an Office determinable in a short Time. The Scope of this Oration is to prove the Exigencies of the State to be so pressing, that there was an absolute Necessity for committing the War into the Hands of Pompey. This introduces a pompous Panegyric

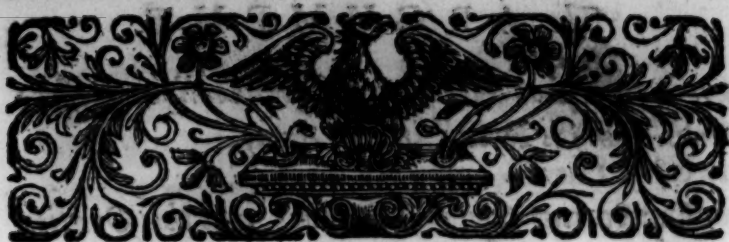
THE ARGUMENT.

gyric upon that Hero, and several oblique Reflections upon his Rivals in the Army.

Cicero was then first Prætor; and this Oration was delivered from the Rostrum to the Body of the Roman People; in the Consulate of M. Æmilius Lepidus, and Lucius Volcatius Tullus: In the 687th Year of Rome, and the 41st of Cicero's Age.



M. T.



M. T.

C I C E R O's

O R A T I O N

FOR THE

MANILIAN LAW.



THOUGH I am always charmed with the Fulness and Frequency of this Assembly, and, *Romans*, though the Majesty of this Place* gives Dignity to Counsel, and Weight to Debate; yet not

* *Cicero* here means the *Rostra*, which, in the Consulship of *Lucius Furius Camillus* and *Caius Maenius*, were built of the Stems of *Antian* Vessels, and set apart as the proper Place for enacting Laws, pleading Causes, and delivering Speeches to the People: Here, none were allowed to speak, but Men of the first Note, and such as bore Offices of Dignity in the State. From the *Rostrum* the Speaker addressed himself to the People only; but the Manner of speaking before them was widely different

not through Choice, but the Situation attending my early Purposes of Life, have I hitherto been shut out from this Career of Glory, ever open to the Worthy and the Wise. For, as my Youth debarred me from the Honour of mounting this *Rostrum*; and as I was determined to deliver from hence nothing but what Genius should dictate, and Art compleat, I thought myself obliged to crowd into that Interval of Life every Duty that Friendship and Humanity required.

WHILE this Place, therefore, was filled with a Succession of *Roman* Patriots, I acted in the Character of a private Pleader, with such a Purity of Hands and Heart, that your Suffrages have raised it to a full, a glorious Reward. For, when the Election was thrice adjourned, I was as often returned * *first Prætor* by the assembled Centuries of *Rome*, and thus learned, from

R

your

ferent from that used before the Judges: The former were at once to be instructed and charmed, and consequently, all Addresses to them to be embellished and elegant: The latter were only to be informed, and he that spoke before them was to use a Style more concise and simple.

* In the Infancy of the City, there was first but one *Prætor*; then two; in the Time of *Sylla*, the Dictator, eight; and last of all, ten, on account of the Largeness of their Empire, and Number of their Citizens. These *Prætors* received their respective Degrees of Authority from the People; but they were conferred by Lot; for, the different Powers of the *Prætors* being

your Sentiments of me, what Qualifications you require in another. Now, that in my Person is vested the Power which you communicate to the Offices I enjoy, and as my Capacity in Business has been improved by unwearyed Application in the *Forum*, and an almost daily Practice in Pleading; sure, if I possess such Powers, I ought to exert them for those who bestowed them; and, if the Effects of my Pleading are any ways considerable, let me display my Eloquence to the People, whose Voices crowned it with this signal Reward.

IN the first Place, I think, I have Reason to congratulate myself, that, unaccustomed as I am to speak in this Manner, and from this Place, such a Subject has presented, that tips even the unpractised Tongue with Eloquence. The Virtues, the amazing Virtues of *Pompey* are

ing wrote down, and thrown into a Chest or Urn, every one exercised that which Chance had given him: Thus two of them had the Management of private Trials committed to them; the one the *City-Prator*, who administered Justice to his Fellow-Citizens only; the other, the *Foreign-Prator*, who decided in the Affairs of their Allies, and all Strangers: Of the remaining eight, two were Judges in Cases of Murder; one of Extortion; one of embezzling the public Money; one of Corruption; one of Fraud; one of Treason; and one of Violence: And at last, under the Emperors, the two *Pratores Cereales* were created, whose Office it was to give Judgment with Regard to *Deposita*, or Things committed to any one's Trust and Charge: And likewise the *Prator Tutelaris*, whose Business it was to see that Tutors should act an honest Part, to take Care of the *Pupil's* Interest, and accept of the Tutorage transferred to him.

are to be my Theme; a Theme, on which the the Speaker must dwell with such Rapture, as puts him in a Difficulty where to stop, rather than how to begin: Thus my Business at present is not to search for Materials, but to set Bounds to my Oration.

THAT it may therefore set out with the Subject for which we are assembled: A ruinous War is carried on against your Tributaries and Allies, by two mighty Monarchs*, *Mithridates* and *Tigranes*. The first of these Princes being abandoned† after he was conquered; and the other provoked‡, attempts to make himself Master of all *Asia*: Letters are daily brought from *Asia* to some Roman Knights, all Men of Honour,

R 2

* These were *Mithridates* and *Tigranes*; the former of whom *Cicero*, in his *Lucullus*, pronounces the greatest of Kings next to *Alexander*: He drove *Nicomedes* out of *Bithynia* and *Ariobarzanes* out of *Cappadocia*. The latter, *Tigranes*, is by *Plutarch* stiled the King of Kings: So great was his Power, that, having driven the *Parthians* out of *Asia*, he transplanted the Cities of *Greece* into *Media*, and ruled *Syria* and *Palestine*.

† *Mithridates* being routed, and on the very Point of being taken Prisoner by *Lucullus*, was after all left in this Situation; this was owing to the Avarice of the Soldiers, who, instead of pursuing him in his Flight, were wholly taken up in amassing the Treasure he had industriously ordered to be strewed in the Roads, to allure and detain his Pursuers, till he should make his Escape to *Tigranes*, his Son-in-Law.

‡ *Lucullus* bore so hard on *Tigranes*, upon his refusing to deliver up *Mithridates*, that after taking Possession of *Tigranocerta*, the City of his own Residence, with a small Body of Men he twice routed his numerous Forces; upon which, the desperate Situation of his Affairs made him abandon *Mithridates*, and fly into the Skirts of *Armenia*.

nour, who have a great Interest depending upon the Collection of your Revenue: These, on account of my near Connexion with their Order, laid before me the Interest of the Public, and the Ruin to which their own private Fortunes were exposed; they shewed me that a great Number of Villages in *Bitthynia* *, now a *Roman* Province, are burned down; that the Dominions of *Ariobarzanes* †, which border on those of your Tributaries, are wholly in the Hands of the Enemy; that *Lucullus*, after performing Wonders, is retiring from that War; that his Successor was but ill-provided for the Execution of so important a Commission; that one General was pointed at and demanded by the Voice of every Ally, of every Citizen of *Rome*, as the only Man alive, who strikes Terror into our Enemies.

THUS have I laid down the Point in Question; but how you shall determine lies in your own Breasts. My Duty, I think, now leads me

* *Bitthynia* is a Country of the Lesser *Asia*, lying towards *Pontus*, opposite to *Thrace*, and adjoining to *Troas*. *Nicomedes* was King of this *Bitthynia*, from which being banished by *Mithridates*, he was again put in Possession of it by *Sylla*; but he, soon after dying, left the *Roman* People Heir to this Kingdom, which the Republic reduced into the Form of a Province.

† *Ariobarzanes* was King of *Cappadocia*, and an Ally of the People of *Rome*. He was thrice forced to quit his Dominions by *Mithridates*, and twice by *Lucullus*; but, after the Defeat of *Mithridates* and *Tigranes*, he was re-established in his Dominions by *Pompey*.

me to speak first of the Nature, then of the Greatness of the War; then of a General proper to manage it. Its Nature is such as to demand all your Resentment, and to arouse all your Courage: That Glory, which on all Occasions was great, but in the Field greatest, the Glory transmitted by your great Fore-Fathers, into your Hands, the Safety of your Friends and Allies, purchased by the best Blood of your Ancestors: The surest, and the fairest Revenue * of *Rome*, that Revenue, which alone communicates Dignity to Peace, and Success to War; in short, the Fortunes of Numbers of Citizens, now depending upon the Protection of you and your Generals, are all at Stake.

AND because the Thirst of Glory † is greater, and the Passion for Fame stronger in you, than in any other People, you are to wipe out that Stain, that obstinate, that deep Pollution of *Roman* Glory, contracted in the last *Mithridatic* War;

R 3

* There were among the *Romans* two Kinds of Tributes; the one fixed and stated, which (being laid upon the Individuals of the State, and upon the Ground) was levied every Year; and those who paid it were called Tributaries: The other, casual and extraordinary, as being only enjoined by a particular Edict, or Decree, of the Senate, according to the Exigencies of the State; nor could they be laid out any where, save at *Rome*, by the Censors.

† The Passion for military Glory ran so high in the Breasts of the *Romans*, that from the Building of the City, till its being surprized by the *Gauls*, i. e. for above three hundred and fifty Years they served Campaigns *gratis*, and without any Pay from the State.

War; when the Tyrant in one Day *, over all *Asia*, thro' so many States, by the Contents of a single Letter marked out the Citizens of *Rome* to bleed, and to be butchered; and this he not only did with Impunity, but now counts the twenty-third Year from that *Æra* of his Royal Barbarity: He still reigns, nay, reigns with Insolence; not that he does lurk within *Pontus* or *Cappadocia*, but emerges from the Limits of his paternal Inheritance, and breathes the Air of your Tributary Dominions, that is, of *Asia*.

F O R hitherto your Generals have fought on such a Footing with this Prince, as to carry off the Trophies of Victory, but not Victory itself. *Lucius Sylla* has triumphed †, *Lucius Muraena*

* *Mithridates* sent Letters to all the Governors of the Cities of *Asia*, enjoining them, on the thirtieth Day after the Receipt of the said Letters, to kill, not only all the *Romans*, but all the Inhabitants of *Latium*, with their Wives and Children; and to leave their Bodies unburied, a Prey to the wild Beasts: Upon this, so great was the Execution done, that in one Day an hundred and fifty Thousand were slain. Concerning this, see *Appian*, in his Book intitled *Mithridaticus*; and *Plutarch's* Life of *Sylla*.

† When at *Rome* Seditions were again raised by *Cinna*, *Carbo*, *Sertorius*, and *Marius*, and a great many of the most considerable Men of the Commonwealth killed; *Sylla* having concluded a Peace with *Mithridates*, by the Senate's Orders, returns to *Rome*, to quell these Tumults, leaving *Muraena* behind him to settle the Affairs of *Asia*, who disregarding the Terms of Peace, and fired with the Love of military Glory, at first undertook small, and afterwards greater Expeditions against *Mithridates*: But *Sylla*, thinking it a Reproach to Roman Honour not to stand to the Articles of Peace, called *Muraena* out of *Asia*.

Muræna has triumphed, over *Mithridates*. These two were brave Men, and accomplished Generals: Yet their Triumphs were such as to leave him, amidst all his Defeats and Disgraces, in Possession of Empire. But what was done by these Generals deserves *Praise*, and what was left undone, *Pardon*; for the Concerns of the Public recalled *Sylla*, and the Commands of *Sylla* recalled *Muræna* from the Prosecution of that War.

BUT *Mithridates* employed the Interval, not in Endeavours to efface the Remembrance of the last, but in concerting the Operations of a new Campaign. After he had built and fitted out vast naval Armaments, and taken into Pay an immense Body of Land-Forces from every Quarter where they could be had, he pretended that these Preparations were designed against the *Bosphorani**, his Neighbours: He next sent Commissioners from *Ecbatana* to the General we were then at War with in *Spain*; that being obliged to make Head both by Land and Sea against two Enemies acting in Concert, tho' in very distant Places and embarrassed by this Plan of a double War, your Empire might become the Prize of Conquest. But one Part of this Storm that proceeded from

R 4

Sertorius

* The *Bosphorani* are the Inhabitants of *Bosphorus*, in *Thrace*, bounded on the East by *Pontus*. Upon *Sylla's* Return into *Italy*, *Mithridates* waged War against them, and, having conquered them, gave them his Son *Ælchares* for their King.

Sertorius and *Spain* *, which was by far most threatening, and most collected, was dissipated by the divine Conduct, and unparalleled Courage of *Pompey*. In the other Scene of Action, *Lucullus*, that great Man acted in such a Manner, that his Entering upon Action, which was great and glorious, deserves to be attributed rather to his *Virtue* than to his *Fortune*; and these last and late Accidents to *Mischance* not to *Misconduct*. But of *Lucullus* I will speak elsewhere; and, *Romans*, I will speak in such a Manner, that he shall be stripped of no real Deserts, nor cloathed in any imaginary Merit. But, as the Purport of my Speech is the Glory and Honour of your Government, see what ought to be your Resentments upon this Occasion,

Y O U R Fore-fathers often entered into War, to revenge the Insults and Injuries affecting their Merchants and Seamen. With what Resentment then ought you to be fired, when by a single Express, and at a peremptory Hour, so many thousand *Roman* Citizens are put to the Sword? Some Circumstances of Insolence, offered to their Commissioners, were by your Ancestors

* *Sertorius*, a Partizan of *Marius*, upon the Return of *Sylla*, made his Escape, with *Cinna*, into *Spain*; where becoming mighty popular, he often routed the *Roman* Armies; but, being outlawed by *Sylla*, he was betrayed by *Marcus Antonius*, *Marcus Perpenna*, and some others, who were let into the Plot, and slain at an Entertainment in the Year of the City 681. Thus *Florus*, *Plutarch*, and *Appian*.

Ancestors thought a justifiable Reason for the utter Demolition of *Corinth* *, that EYE of all enlightened GREECE: And shall you tamely and coolly bear the Tyrant, by whom a *Roman* Ambassador, who had been your Consul, felt the Whip and the Wheel, was bound and butchered? Your Fathers resented every Infringement of *Roman* Liberty; and shall you supinely overlook the Murder of *Roman* Citizens? These avenged even a verbal Insult upon the Dignity of their Representative; and shall the Blood of a *Roman* Ambassador, shed in a cruel ignominious Manner, cry for no Vengeance from you?

ROMANS, beware, beware! lest, as their transmitting to your Hands this Extent of Empire

* *Corinth*, a City of Greece, situated by the *Isthmus*, between *Peloponnesus* and Greece, was in these Days so rich and powerful, that it was by *Leptinus* stiled one of the Eyes of Greece, *Athens* being the other. It was destroyed by the *Romans*, under the Conduct of *Mummius*, in the six hundred and seventh Year after the Building the City; the third, after the *Punic* War, and before the *Numantian* War. The Reason of its being destroyed (according to *Strabo*) was the Inhabitants bespattering the *Roman* Ambassadors with Filth from the Top or Windows of their Houses; according to *Livy* and *Asconius*, because they rejected them in Quality of Ambassadors, and violated their Rights; but, according to *Cicero*, because they demanded an Interview with them in a haughty and insolent Manner: This *Cicero* advances, perhaps, with a View to extenuate the Fact, and heighten the Envy against *Mithridates*, who had exercised such unheard-of Cruelties upon a *Roman* of Consular Dignity. The Persons of Ambassadors were held so sacred, that they bore either on their Heads, or in their Hands, Grass plucked up by the Roots, from the Foot of the Altar, or *Vervain* (a sacred Kind of Herb) that none might dare to injure them.

pire was glorious for them, your Inability to preserve and defend it should be infamous for you! What! when the pressing Difficulties, the imminent Danger of your Allies, call out, are you to be unactive? *Ariobarzanes*, a Prince*, the Friend and Confederate of the *Roman* People is expelled his own Dominions. Two other Kings, the inveterate Foes not only of *Rome*, but of every Man who loves or supports her, threaten all *Asia*: When the Imminence of the Danger obliges her, all the States, and all the Country of *Greece*, do cast upon you an imploring Eye; but without daring, without presuming, to think they durst, unchastised and unpunished, name the General who is to relieve them, as you have put another into that Commission.

THEY see and know, as you do, that there is one Man, who unites in the highest Degree every Qualification of a General, and that he is at hand, for which Reason they are the more uneasy

* An Alliance with the *Roman* People was a Matter of so great Moment and Importance, that it was only granted to those who deserved well at the Hands of the Republic. As a Sign of this Alliance, foreign States had a golden Crown and Goblet sent them, and a Chair of State, in which they might sit next to the *Roman* Emperor; together with an Ivory Scepter, and a painted Garment, all guarded by a Company of Horse. But what gives the greatest Light in this Passage of *Cicero*, is a *Greek* Inscription upon one of *Ariobarzanes's* Medals, which runs thus: ΒΑΣΙΛΕΥΣ ΑΡΙΟΒΑΡΖΑΝΟΥ ΡΩΜΑΙΩ ΕΥΘΕΣΤΟΥ. The Coin of King *Ariobarzanes*, who is happy on Account of his Alliance with the *Romans*.

easy to be without him. A Man, by whose very Approach and Name, tho' he acted in the Character of a Sea-Officer *, they perceived the Enemy to be disconcerted and defeated. They, because they dare not speak out, silently implore you that you should consider them as worthy in common with the other Allies at *Rome*, to be saved and protected by such a Hero. This Request is the more reasonable in them, as we have sent into their Provinces Men cloathed with the highest Character, who defended them indeed, but whose March into their Cities had almost all the Effects of Military Execution after a Storm. But him they have now in their Eye they formerly heard, and now they feel, to be so temperate, so gentle, and so humane, that happiest appears that People among whom he longest resides. Therefore, if without any personal Provocation being offered to themselves, but purely on Account of their Allies, your Ancestors fought with *Antiochus* †, with *Philip* ‡, with the

* At this Time a vast Number of Pirates infested the Seas, and put an intire Stop to all Commerce; by the *Gabinian Law*, *Pompey* was sent against these, and pursued them with such Vigour, that in thirty Days Time he drove them out of those Seas, without the Loss of one of his own Ships.

† When *Antiochus*, King of *Syria*, had made an Alliance with the *Aetolians*, in Conjunction with whom he was waging War upon the Confederate Cities of *Greece*, especially *Lysimachia*, which was redemanded by the *Roman People*, he sent *Glabrio* against them.

‡ The *Philip* here spoken of, was indeed King of *Macedon*, though not the Father of *Alexander*, but another who reigned long

the *Ætolians* and the *Carthaginians**; what keen Resentment ought you, who have been personally injured, to shew, in a Quarrel, wherein the Dignity of your Empire is united with the Preservation of your Allies; especially when the finest Revenue of your Government is at Stake? For, *Romans*, the Revenues of the other Provinces are but just sufficient to defray the Expences of protecting them; but *Asia* is so rich, so fertile †, its Crops so plentiful, its Fruits so various, its Pasture so extended, and its Com-

long after him: The Reason why the *Romans* waged War upon him was, because he had besieged the *Athenians*, at that Time their Allies.

* When the *Carthaginians* (having entered into an Alliance with *Hierome*, King of *Syracuse*) attacked *Messana*, one of the Confederate Cities, the *Romans* waged War upon them, under the Command of *Appius Claudius*, which gave Rise to the first *Punic War*. That the Reader may not be misled in this Point of History, I must inform him, that *Cicero* does not, in this Passage, observe the Order of Time with Regard to these Wars; for the War with the *Carthaginians* was the first in the Order of Time; that with *Philip*, the second; and that with *Antiochus*, the third.

† There are three Kinds of Tributes, or Taxes, from which the *Roman State* drew very ample Revenues: The first was what they called *Decimæ*, or *Decumæ*, corresponding to our Word *Tythes*; these were exacted not only of all *Romans*, but of all the *Roman Allies*, either within or without *Italy*, who farmed public Lands; but it is to be observed, that these were for the most Part only laid on Corns, Wines, Oils, and the smaller Grains. The second was what they called *Scriptura*, a Word which, I believe, cannot be rendered by any one Word in our Language; we know well enough, however, what Idea the *Romans* fixed to it, and in what Sense they used it; they meant no more by it, than that Branch of the Revenue which was paid by those who enjoyed the Privilege of Forests, and Pasture Grounds, belonging to the Public: This Part of the Revenue was

Commodities for Exportation so numerous, that it claims a Preference to all our World besides. This Province therefore, my Friends, if you wish to make War with *Success*, if you desire to enjoy Peace with *Honour*; this Province you are not only to guard, against the Calamity of Conquest, but to deliver from the Apprehension of Danger.

IN the other Concerns of Life, the Loss is felt when the Disaster happens; but your Finances are ruined, not only in the Event, but by the very Apprehension of a Disaster: For when an Enemy approaches, though they do not invade a Country, the Cattle are turned adrift, the Fields lie uncultured, and Commerce stagnates. Thus no Revenue can arise, either from the Navigation, from the Tythes, or from the Farmers of the Public; and thus the very Dread of Danger, the very Apprehension of a War, often sinks the Revenues of a whole Year.

IN what a Situation then may you suppose the Factors, the Collectors, and the Farmers
of

was probably called *Scriptura*, from the Sum agreed upon with the Masters of the Customs for the said Privilege being entered in a certain Book. The third Kind of Tax was what they called *Portorium*, which, except in a few minute Circumstances, corresponded to our Customs laid upon Goods imported and exported.

of your Finances, while threatened with an Ir-
ruption from the formidable Arms of the two
Monarchs; when a single Detachment of the
Enemy's Cavalry, on a hasty March, may rifle
the Revenue of an intire Year! When your
Officers shall perceive, exposed to the most im-
minent Danger, all their numerous Colonies
whom they employ in the Forests*, in the Fields,
in Harbours, and in Garrisons; can you expect
to enjoy the Labours of all these without pre-
serving the Labourers, as I said before, not on-
ly from Ruin, but from the Apprehensions of
Danger?

NOR ought the last Point I proposed to speak
to, when I touched upon the Nature of the
War, to be out of your Thoughts; I mean the
In-

* The Words in the Original corresponding to these, are in
different Editions read differently; for some of the Commen-
tators vigorously stand up for *in Salinis*, and others of them for
in Salictis, being the true reading; but, without loading the
Reader with their intolerable Lumber, I shall only acquaint him,
that the following Reasons induced me to prefer the latter of
the Readings; though I do not deny but that, according to
Pliny, Lib. xxxi. Cap. 7. Taxes on the Salt-pits of *Rome* were
appointed by *Ancus Martius*; yet it is equally certain, that these
Taxes were, upon the Expulsion of the Kings, abolished by a
Decree of the Senate, and never after exacted in *Rome* till the
Days of *Marcus Livius*, the Censor, who, for being the Re-
viver of them, was stiled *Salinator*. But surely we never read
in any Period of the *Roman* History of their being imposed
upon *Asia*, or any other of the *Roman* Provinces. Besides,
Cicero here speaks of three Kinds of Tributes, but in no Part
of his Works of that arising from Salt-pits; for which Rea-
son, I am apt to think, that *Cicero* has here in his Eye the Pas-
ture Grounds, which abounded with Groves of Willows.

Interest of many *Roman* Citizens: These, my Countrymen, your Wisdom directs you carefully to consult. For the Officers of your Revenue, all Men of Worth and Wisdom, have carried their Estates and Effects * into that Province. Were there no other Motive, this should be sufficient to alarm you ; for, if we have ever esteemed Finances to be the Sinews of a State, we may justly look upon that Body who collects them to be the Cement and Support of all our other Bodies Politic.

THEN a great Number of industrious active Men, of other Denominations, whose Interest you ought to take Care of in their Absence, are, some of them now trading in *Asia*, while some of them have laid out all their own and their Family's Fortunes †, to a great Extent, in that Province. Humanity therefore dictates, that

* *Cicero* here means, that these Men farm the Revenues at so high a Rate, that the Whole of their Substance was laid out in that Way: For by the *Rationes* he cannot here mean Journals and Ledgers, or whatever else they had equivalent to them, these being remitted to the Master of their Society at *Rome*, and deposited in his Hands.

† Very many Citizens had their Fortunes lodged in the Hands of the trading Men, who, in the very Nature of the Thing, must suffer by the Losses of these Traders. *Plutarch* informs us, that in *Asia* there were a great Number of Farmers of the public Revenues, and Factors, who miserably harrassed that Province ; and that they consisted of all the several Orders in *Rome* (except the Senatorian) and especially of the Equestrian, of which there were many who were Tythe-farmers, Labourers, Masters of the Customs, and Collectors of the Pasturage and Forest Money.

that you should shelter so great a Number of *Romans* from the impending Storm; and Wisdom, that public Calamity is inseparably connected with a private Ruin that must affect so many Individuals. Little will it avail you, though a Victory should afterwards give you back the Revenues which you lost by your public Officers; for never shall you be able to farm them out again at the same Rate, because some will be disabled by their Losses, and others cautious from their Fears.

BESIDES, we ought to have imprinted on our Remembrance what was taught us by the same Province, and the same Prince, towards the Beginning of the *Asiatic War* *. For we know how public Credit sunk at *Rome*, from a general Stoppage of Payment †, occasioned by the great Losses of our Fellow-Citizens in *Asia*. And indeed it is impossible, when a great Number of Individuals are rendered Bankrupt in one State, to prevent the Calamity from becoming general. Save your Country from this Danger; and

* *Cicero* here points at the Time when *Mithridates*, twenty-three Years before this, slew, in a barbarous and cruel Manner, so many Thousands of the *Romans*.

† When these Farmers of the public Revenues in *Asia*, being slain, could not clear with their Creditors in *Rome*, it happened, that these in their Turn became unable to answer their Credit. — Thus public Credit, which is nothing, according to *Cicero*, but an uninterrupted Adherence to Truth, in performing Promises and Compacts.

and believe me, that the Wealth you see, that the Credit which circulates in *Rome*, that the Payments made in the *Forum*, are linked with, and dependant upon, these *Asiatic* Revenues; nor can these be ruined, without the whole System of public Credit receiving a fatal Shock. Consider therefore, if you ought not to direct the Whole of your Counsels and Arms to support a War, wherein, with the Being of your State, you assert the Dignity of your Reputation, the Safety of your Friends, the best Branch of your Revenue, and the Properties of your Fellow-Citizens.

HAVING said thus much on the Nature of the War, give me Leave to touch a little on its Greatness; and this I will venture to say, that, though its Nature renders it absolutely necessary, yet its Greatness cannot render it very formidable: On this Head I must chiefly labour; that some Particulars, which ought to awaken all your Attention, may not by you be slighted. And here, that every Man may be sensible that I will do as much Justice to the Character of *Lucullus*, as is due to that of a brave *Roman*; a wise Man, and a great General, I shall own that, when he arrived, the vast Army of *Mithridates* * was furnished with every Thing that Necessity or

S Con-

* These consisted of an hundred and twenty Thousand Foot, and sixteen Thousand Horse. *Vid. Plutarch.*

Conveniency required to the Field; that *Cyzicum*, the noblest City of *Asia* *, and the dearest Ally of *Rome*, was besieged, and vigorously pressed by this Prince, at the Head of a formidable Army; and that the Application, the Courage, and the Conduct of *Lucullus* freed it from that imminent Danger.

LET me add, that a strong and a gallant Fleet, fitted out to invade *Italy* †, under the Conduct of the *Sertorian* Generals, who burned with the Thoughts of Revenge, was by *Lucullus* conquered and sunk; that in numberless Engagements ‡ besides great Bodies of the Enemy's Forces

* *Cyzicum*, the most considerable City of *Asia*, was besieged on all Sides, both by Sea and Land, by *Mithridates*, with several Instruments of War, and a wooden Turret an hundred Cubits high; but, all Provisions being intercepted from him by *Lucullus*, he was obliged to raise the Siege. Our Author calls it, *Urbem Asiae clarissimam*; not, perhaps, from its being the chief City of *Asia* in point of Riches, or Power, but with regard to its Fidelity and Loyalty towards *Rome*. See his Oration for *Muræna*, and *Archias* the Poet.

† *Plutarch* and *Appian*, two Authors, whose Authority, on this Occasion, is inferior to that of our Author, tell us, that this celebrated Sea-Fight was fought off *Lemnos*; but if we examine strictly, we shall find, that there were two Sea-Fights near the same Place; the first off *Tenedos*, where *Isidorus*, the Admiral, was killed (having lost thirteen Ships) as he endeavoured to join the grand Royal Fleet, then lying at *Lemnos*. The next was at *Lemnos* itself, where *Marcus Varrus*, *Mithridates*'s Admiral, was taken, and several other Generals. But we are obliged to our Author for informing us, that this grand Fleet was designed to invade *Italy*. Our Author has mentioned this Battle in his Orations for *Archias*, and *Muræna*; and in both Places expressly says, that it was fought off *Tenedos*.

‡ In a Battle at the River *Rhyndacus*, having killed many of

ces were routed, that *Pontus* was exposed* to the Invasion of our Arms, which always before found every Avenue to it obstructed; that *Sinope* † and *Amisus* ‡, two Seats of the Royal Residence, adorned and provided with all the Means of Defence, with the other Cities of *Pontus*, and many of *Cappadocia* §, were taken in one March, and in one Approach; that their Monarch, stripped of his hereditary ¶, his paternal

S 2

Dominions,

of the Enemies, he took Prisoners six thousand Horse, and fifteen thousand Foot. In another Battle at the River *Granicus*, having taken many Prisoners, he slew twenty thousand of the Enemies. In a third Engagement, at Sea, many of the Barbarians were slain; and among the other Captives, *Marius*, who had been sent by *Sertorius*, was taken, and afterwards slain.

* When this King had betaken himself to Flight, *Lucullus* made an Inroad into *Pontus*, and subdued to himself all the Cities of it, except very few.

† *Sinope* is a City situated in the *Euxine Sea*, which at first stood out against the *Romans*; but the Citizens being at last reduced to great Straits, and their larger Vessels set on Fire, betook themselves to their Gallies, the more conveniently to make their Escape: *Lucullus*, however, having at last made himself Master of the City, he again set it at Liberty; because, when he was laying Siege to it, he dreamed that he was called upon by *Antigonus*, who attended *Hercules* in his Wars against the *Amazons*, and chose this City for himself.

‡ This is a Town on the Confines of *Paphlagonia* and *Cappadocia*, about an hundred and thirty Miles distant from *Sinope*: Having vanquished the former of these, *Lucullus* pitched his Camp by the latter, which he soon made himself Master of, the Inhabitants flying; but he allowed them to be governed by their own Laws, because it was a Colony formerly founded by the *Athenians*.

§ *Mithridates*, having banished *Nicomedes*, took Possession of *Cappadocia*.

¶ The first *Mithridates* was descended of the *Persian* Monarchs; who flying from *Antigonus*, King of *Syria*, who had resolved to kill him, came into *Cappadocia*, and fortified a Place

for

Dominions, wandered about, a Royal Suppliant, from Prince to Prince *, from People to People, and that these brave Actions were all performed without Loss to our Allies, and without Diminution of our Revenues †. This Character I think compleats the Measure of his Praise; and, *Romans*, I have taken this Occasion to do Justice to his Character, a Justice that has never been paid it from this Place, by any of the Opposers of this Measure, and this Law.

It may be now asked, if our Enemies sustained all these Losses, how can this War be of so great Difficulty? The Objection is not without its Weight; but know, *Romans*, that *Mithridates* fled from his Kingdom in the same Manner as the celebrated *Medea* ‡ is said to have escaped out of that very Country. We are told that

for himself; and, great Numbers flocking to him, he at last took Possession of *Cappadocia*, and the Territories adjoining to *Pontus*; and left to his Successor an extensive Empire, which was, without Interruption, handed down to this *Mithridates*, the sixth of the same Line and Name.

* He first fled to *Tigranes*, his Son-in Law; and, when he was vanquished, he fled to the King of the *Parthians*, to whom he had some Time before sent Ambassadors.

† Many Kings and States contributing Money to the Carrying on the War, what was farther necessary *Lucullus* would not take out of the public Treasury, but advanced out of his own private Fortune. *Vid. Plutarch.*

‡ This *Medea* was the Daughter of *Ætes*, King of *Colchis*: She entertained *Jason* and his *Argonauts*, and falling in Love with him, on Promise of Marriage, taught him to tame the Brazen footed Bulls, and cast the Dragon into a deep Sleep, that

that she scattered the Limbs of her Brother along the Place, through which her Father who pursued her was to pass, that the Parent's Care of collecting and weeping over them might retard the Swiftneſs of the Purſuit. Thus *Mithridates*, to favour his Flight, left in *Pontus* the obſtructing Power of all his Gold and Silver, and every coſtly, every curious Moveable that he had received either by Inheritance from his Anceſtors, or by Plunder in the laſt *Aſiatic* War, and ſince treaſured up in his own Dominions. While our Soldiers were intent on theſe, the Perſon of the King eſcaped. Thus *Medea* owed her Eſcape to the Grief of her Father, and *Mithridates* his, to the Joy of our Army.

S 3

UNDER

that he might carry off the Golden Fleece; which being done, he fled, taking her and her Brother along with him; but fearing to be overtaken by her Father, who purſued them, ſhe cut her Brother, *Aſyrtus*, in Pieces, and ſtrewed his Limbs in the Way, to ſtop the Purſuit. *Jaſon*, at his Return, married her, and had two Sons by her, whom ſhe murdered, in Revenge, becauſe *Jaſon* had married *Creuſa*, the Daughter of the King of *Corinth*; and ſent a Box to the Bride for a Preſent, which ſhe opening, the Fire burſt forth, and burnt her and the Palace: After this, ſhe fled to *Athens*, where ſhe married old *Aegeus*, and had a Son by him called *Medus*, with whom ſhe flew away into that Part of *Aſia*, which, from him, is called *Medea*. The Simile in our Author has wonderful Force and Beauty; for, as *Medea* retarded her Father's Purſuit, by the mangled Limbs of her Brother, ſo *Mithridates* put a Stop to that of *Lucullus*, by ſtrewing Treafure in the Road, to be gathered up by his Enemy's Army after the Deſeat he received at *Cyzicum*, where there was ſo great a Slaughter of Men and Cattle, that the Rivers *Granicus* and *Aſopus* were deeply tinged with the Blood of the Slain.

UNDER this Panic he fled to *Tigranes*, the *Armenian* King, who sheltered him in Distress, freed him from Distrust, cheered him in Anguish, and raised him from Ruin. *Lucullus* afterwards marched into this Prince's Territories, while many other Nations were spirited up to oppose his Arms. These People, whom the *Romans* never thought fit either to provoke or attack, were alarmed. A strong and a current Report had likewise a great Impression on the Minds of these *Barbarians*, as if the Hopes of rifling a wealthy and an awful Temple * had brought our Army into those Territories. Thus a Number of powerful Nations were roused with a certain jealous Indignation and Panic; but our Army, though it took the Capital of *Tigranes's* Kingdom †, and often fought with great Success, yet were they dismayed by the Distance

* *Cicero* has here in his Eye the *Fanum Cumanum*, which was plundered by *Muræna*, at the Persuasion of one *Archælaus*, who had revolted from *Mithridates*.

† This was *Tigranocerta*, which *Tigranes* built, and to which he gave his own Name: He made the Walls of it fifty Cubits high; and the richest Men in the Kingdom, to testify their Confidence in the Prince, lodged all their Treasure there. *Lucullus*, according to *Plutarch*, found in it eight thousand Talents, besides much Riches, the Value of which could not be computed. At this Capitol *Lucullus*, with a small Body of his Men, routed the Forces of *Mithridates* and *Tigranes*, which consisted of two hundred and fifty thousand Foot, and fifty thousand Horse. After this Defeat, the two Kings levied another Army, of seventy thousand Foot, and thirty-five thousand Horse, which *Lucullus* routed a second Time; upon which *Tigranes* fled into *Armenia*, and *Mithridates* into *Pontus*.

Distance of the Scenes of Action * from their Countrymen, to whom they passionately desired to return.

HERE let me stop ; for the Event of all was that our Soldiers seemed more desirous to return than to advance. But *Mithridates* had by this time strengthened and augmented his Army by Numbers of his own Subjects, who flocked to his Standard, and by a powerful Reinforcement, the Troops of *foreign* Princes and Nations †. This we learn from Experience and History to be generally the Case, that Pity for the broken Fortunes of a King raises a powerful Support in his Favour, especially from those who are either Monarchs, or are Subjects to Monarchs, because, to them, the Name of a King sounds awful and sacred ; therefore after his Defeat he had greater Success, than in his Prosperity he ever presumed to expect ; for when he returned to his Kingdom, not contented, that, beyond all his Hopes,

S 4

he

* Here *Cicero* artfully throws a Veil over the unworthy Conduct of *Lucullus*, in quitting his fleeing Enemy ; and excuses the Matter by the Distance of the Scenes, or rather by the Sedition of the Soldiers ; for the *Valerian* Legions refused to obey Orders, alledging, as the Reason of their Refusal, that they had served their full Time. *Plutarch* says, that the Soldiers were exasperated at the Pride and Avarice of *Lucullus*, and that *Publius Clodius* importuned them to revolt.

† *Mithridates* was put at the Head of a new Army in *Pontus*, which was furnished out to him by different Kings and States ; viz. the *Medes*, the *Adiabeni*, the *Gorgen*, the *Arabes*, the *Albani*, and the *Iberians*.

he again called those Dominions his own, from which he thought himself for ever driven, he attacked your brave, your victorious Army *. And here, my Fellow-Citizens, suffer me †, in Imitation of our Historical Poets, to draw a Veil over the Scene of Calamity ; a Calamity so dreadful, that *Lucullus* knew it, not by any Messenger escaped from the Battle, but by the Reports of public Rumour.

HERE *Lucius Lucullus*, in the very Crisis of War, amidst the very Anguish of the Disease, though perhaps he was the only Man who could do somewhat towards curing our bleeding Wounds ; in Obedience to your Commands ‡, as
ye

* *Mithridates*, on his Return to *Pontus*, overcame *Fabius*, who was left by *Lucullus* ; and by the Negligence and Rashness of one of the Veterans, who was sent Ambassador, above seven thousand *Romans*, an hundred Centurions, and twenty-four Tribunes of the People, were on that Occasion cut off.

† This Passage is full of Art and Beauty ; for the very Thing the Orator designed to heighten, is spoke of in the most modest Terms ; and with a seeming Kind of Reluctance, expressive of the Orator's Humanity, and sympathizing Turn, to the Degree of which, his Success with the Audience (other Circumstances alike) is proportioned.

‡ The Words in the Original are *Vestro Jussu* ; for, among the *Romans*, the People alone commanded, and the Senate were only authorized to vote, and advance their Reasons for voting, either for or against any Thing ; for which the *Romans* used the Word *censere* : This laid a Foundation for this Form of Speech, so often occurring in the *Roman* Historians, *Velitis Jubeatis Quirites*.

ye thought fit, in Imitation of your Ancestors *, to limit the Duration of his Command †, dismissed that Part of his Army ‡ that had compleated the Period of its Service ; the other Part he delivered over to *Glabrio*. Many Things I purposely omit ; but it is easy for you to suppose the Importance of a War supported by the Confederacy of two powerful Monarchs, renewed by the Spirit of resentful Nations, maintained by the Power of unsubdued, unattempted Countries ; your Arms headed by a General, new to this Scene of Action ; and your Veterans beaten.

I THINK I have said enough to prove that this
War

* After the Expulsion of the Kings, the Office of Consul (and consequently his Power) lasted only for a Year ; at the Expiration of which, new Consuls were always created ; but sometimes the Office was continued for three or more Years, as the Situation of Affairs called for ; whence *Livy*, Book iv. thinks *Maximam Libertatis Populi Romani Custodiam esse, si magna imperia diuturna non essent, & temporis modus imponeretur quibus juris imponi non posset* : “ That the surest Guard of the Roman People’s Safety, was to make Offices of Importance of short Continuance ; and to limit by Time those Officers, whose legal Power could not be limited.”

† *Lucullus*, when Consul, having obtained the Government of *Asia*, undertook a War against *Mithridates*, which he continued for seven whole Years.

‡ The Veterans were said to have served their Time when they had carried Arms nine Years ; but, if the State of the Republic called for it, they were obliged to serve from the fixteenth Year of their Age to the forty-fifth : Now, *Lucullus* dismissed those of them who would not follow him, who were at that Time called *Fimbrians*, from their following *Fimbrius*, after they had killed *Valerius*, the Consul, who was hated for his Avarice.

War is in its Nature absolutely necessary, and through its Greatness highly dangerous. Give me now Leave to touch upon the Choice of a General equal to its Importance. I wish, my Friends, that you had amongst you such Plenty of brave honest Men, as to have your Choice doubtful, as to the Person of him to whose Hands you are to commit Interests of so much Consequence, and a War of so great Difficulty. But as there is now only *one* Man alive, I mean *Pompey*, whose Virtues surpass all those, not only of the present Age, but of Antiquity itself; where is the *Roman* who can hesitate one Moment how to determine?

In my Opinion, four Qualifications are necessary to form a compleat General, a thorough Knowledge of War, Courage, Authority, and good Fortune. Did ever any Man possess, or is it required to possess, a more extensive Knowledge in the Art of War than *Pompey* does? Who when a Boy stepped from the School, amidst a raging War maintained by a furious Enemy, into his Father's Army *, where he was initiated
in

* The Father of *Pompey* was *Cn. Pompeius Strabo*, who was General of that Army sent to act against *Cinna*, who had rebelled against the State. Under him his Son *Pompey the Great* served, when but seventeen Years of Age. It must be owned, that, though *Cicero*, perhaps, strains his Praises of *Pompey* to too great a Height in this Oration, yet he certainly understood the Art of War beyond any of his Time; perhaps, not excepting
Cæsar

in the Discipline of the Camp; who, before he grew up to a Man, commenced a Soldier under a great General; who in the Dawn of Youth was himself at the Head of a glorious Army; who has fought more pitched Battles than other People have maintained personal Altercations; who has carried on more Wars than others have read; who has reduced more Provinces than others have aspired to; whose Youth was trained to the Trade of War*, not by Reading and Precept, but by his own Experience†, and his own Commands‡, formed
not

Cæsar himself; but the Genius, the Address, and the Fortune of *Cæsar*, bore every Thing down before him: *Pompey* was his Inferior in all these; but he had so thoroughly studied the Art of War, that he had reduced it to a Science.

* In the Original it is *Extrema Pueritia*, which may signify either the Commencement, or Determination of his Boyish Age; for, according to *Aulus Gellius*, the Stage of Life was by *Servius Tullius* thus divided; they were Boys till the seventeenth Year of their Age; from that till the forty-sixth, young Men; and from that to the very End of their Lives, old Men. In the first of these Periods *Pompey* was a Soldier under *Sylla*.

† When *Cinna*, the Consul, who had raised a War in the State, was killed, and his Colleague, *Carbo*, had marched against *Sylla*, who had brought back his Army victorious from *Asia*, *Pompey*, at that Time scarcely twenty-three Years old, and bearing no Office in the Army, levied three Legions in *Picene*, and the whole Nobility joining him, he led a very considerable Army to *Sylla's* Assistance. In his March he secured the Friendship of many States of *Italy*. He brought over to his Party those who had sided with the Enemies of *Scipio* and *Carbo*, both whom he challenged to an Engagement. Upon *Pompey's* Coming up to *Sylla*, he nimbly alighted from his Horse, and saluted him General, who, in his Turn, saluted *Pompey* the same, before he was admitted into the Senate. Immediately after, *Sylla* sent *Pompey* into *Celtiberia*, at the Head of an Army.

‡ No Person had been oftener General than *Pompey*, therefore

not by the Blunders of War, but by the Glory of Conquest; and whose Merits are rated, not by the Years he served, but by the Triumphs he obtained: * Where was the War of such a Nature as that he was not employed to sustain the Fortunes of his Country? The *Civil*, the *African* †, the *Transalpine*, the *Naval*, the *Servile* War, together with the *Spanish* War ‡, that heterogeneous Production of our own Citizens and warlike Foreigners. The various and different Kinds both of Fights and Foes, carried on and conquered by him alone, are Proofs that there is no Point of Military Practice in which this Hero is not an accomplished Master.

BUT where can I find Words equal to the Courage of *Pompey*? What can I, what can any

fore he might well be said to learn the Art of War, not so much from Precepts, and the reading Treatises on that Subject, as from Use and Experience.

* *Pompey*, according to *Velleius Paterculus*, triumphed three times; viz. on Account of the Victories he gained in *Africa*, *Asia*, and *Europe*.

† The *African* War was carried on against *Cneius Domitius*, whom most of those, who were banished out of *Italy*, followed; and against *Hierica*, King of *Numidia*, who is likewise, by *Plutarch*, stiled *Hiarba*; all these uniting their Forces, and making Head against *Sylla*, he discomfited in one Battle: This War he put an End to in forty Days; and, upon his Return to *Rome*, was saluted *Magnus* by *Sylla*. But what was most extraordinary of all, he had a Triumph when but a *Roman* Knight, and but twenty-four Years of Age.

‡ He calls this the Heterogeneous War, because it was carried on by Fugitives of *Rome*, who joined the *Gauls* and *Germans*.

any Man, deliver here worthy of him, new to you, or unknown to the meanest in *Rome*? For these, as they are commonly imagined to be, are not the only Virtues of a General, Application to Business, Courage in Danger, Resolution in Action, Quickness in Execution, and Caution in concerting; all which unite in his Person to a greater Degree, than they ever did in all the Generals we ever saw or ever heard of.

ITALY is a Witness*, which the victorious *Sylla* himself owned to be delivered by his Arms; *Sicily* is a Witness, which he extricated from the Dangers that every Way and on all Hands environed her, not by his formidable Arms, but by his seasonable Counsels; *Africa* is a Witness, which was bathed in the Blood of those Enemies, whose immense Number covered her Fields; *Gaul* is a Witness, by the Slaughter of whose Armies our Troops cut their Passage into *Spain*; *Spain* is a Witness, which has often viewed Thousands of our Enemies by this Hero deprived of Life and Liberty: I can appeal to the present and to the former Experience of *Italy*, which, when oppressed by a detestable but dangerous War from our Slaves, in his Absence,

* Our Author here artfully particularizes all the several Scenes of Action in which *Pompey* shined. As a Note upon every one of them would take up a great deal of Room, we must refer the Reader to the History of *Rome*, and *Pompey's* Life.

sence, implored his Assistance. The War by the very Rumour of his Approach drooped and languished, and upon his Arrival died and was buried.

AT this Instant all Lands, all *foreign* Nations, every distant People, all the Extent of the Ocean, all Bays, all Harbours, wherever situated, are so many Witnesses of his Merits. For where is the Sea Coast, that of late was so well guarded, as to be safe from Insults? Was any so retired as to be unexplored by our Enemies? Where was the Sailor, who, when he plied the Sea, did not venture the Loss either of his Life or his Liberty? Since he was obliged to expose himself to the Inclemency of Winter, or to Seas covered with Pirates. To finish a War so important, so shameful, so lasting, so distant, and so discontiguous, seemed to promise Employment for a thousand Generals during one Year, or for a thousand Years to one General. What Province did we possess at that Time uninfested by Pirates? What Branch of your Revenue was safe? Where was the Friend whom your Arms guarded? And where the Ally whom your Fleets protected? How many Islands did you give over as deserted? And how many Towns of our Allies as either abandoned by Fear, or the Prey of Pirates? But why do I longer insist on this Review of distant Facts?

THIS,

THIS, this was the old, the true Character of *Romans*; to direct the Thunder of their Arms on a distant Foe, and to guard the Interests of their Allies, not their own Properties, by the floating Bulwarks* of their Empire. Shall I affirm, that in those Years the Sea was shut up to your Allies, since your Armies durst not so much as pass over to *Brundisium*, but during the Severity of the Winter? Shall I mention the numerous Prisoners made of *foreign* Nations on their Journey to *Rome*, since a Ransom was paid even for *Roman* Ambassadors? Shall I say that the Seas were unsafe for our Merchants, when twelve Badges of supreme *Roman* Authority † fell into the Hands of Pirates?

SHALL

* The Original has it only *Propugnaculis*, which signifies properly a Bulwark: I have translated it as regarding Ships, contrary to the Sense of all Commentators, &c. My Reason is, because there is no Instance of *Propugnaculum* being applied to a *marching Army*; which it must be here, if it does not signify Ships. It cannot signify *Fortresses*, or *Bulwarks*, in the literal Sense, because they are applied to the *Fortunæ Sociorum*; therefore the Bulwarks must be understood to belong to their Allies also: But, if we suppose that he speaks of the *Roman* Shipping, it is both agreeable to the *Roman* Idiom, to the History itself, and to what immediately follows.

† He here places the Prætors Badges of Distinction for themselves: The Words in the Original are *Duodecim Secures*; and the two Prætors here meant, are *Sextilius* and *Bilinus*, who were seized together, with their Badges and Lictors, by the Pirates. Each Prætor had six Lictors, when exercising any Part of his Office without the City; but only had Fasces carried before him when in the City.

SHALL I mention the Taking of *Cnidus*, or *Samos*, or *Colophon* *, those glorious Cities; with numberless others; when you know that your Harbours, those very Harbours from whence your Country derives her Life and Soul, fell into the Hands of Pirates? Need I to inform you that the celebrated Harbour of *Cajeta* †, when full of Ships, was, while a *Roman* Prætor ‡ looked on, plundered by Pirates? That the Children of the very Man, who had fought with Pirates in the same Place, were by them carried off from *Misenus*? Why should I mention our Disgrace at *Ostia* §, so shameful, so ignominious to *Romans*; since, almost under the Reach of your own Eyes, a Fleet, commanded by a *Roman* Consul, was by Pirates destroyed and taken? Immortal Gods! could the amazing, the divine Courage of one Man, in so short a Time, throw

* These are three Cities in *Ionia*.

† This is in *Campania*, and received its Name from the Nurse of *Aeneas*, who was buried there; of whom *Virgil* sings thus, in his seventh *Aeneid*:

*Tu quoque Littoribus nostris Aeneia Nutrix
Ætæram, moriens, famam Cajeta dedisti.*

‡ Who this *Roman* Prætor was, we cannot be very sure; but it is a common, and not an ill founded Opinion, that it was *Marcus Antonius*, who was sent General of that War, before *Pompey* received the Command: That his Success was bad, and that he was killed there, is most certain; and *Florus* informs us, that his Daughter was carried off by the Robbers at that Time.

§ *Ostia* was a City built by *Ancus Marcius*, in the Mouth of the River *Tiber*. So daring were the Pirates, that they landed at this Town, and burnt and plundered the *Roman* Vessels; and, as if they entertained no Thoughts of returning, they remained

throw a Lustre on his Country, that dispelled those Clouds of Danger, which before presented to your View the Fleet of the Enemy in the Mouth of the *Tyber*; and that so effectually, that a Pirate is not now to be heard of within the Limits of the *Mediterranean*?

NOR must I here overlook how quickly all this was executed, though you yourselves beheld it. For who ever performed an Affair in common Life, who, even when prompted by Interest, could make quicker Dispatch in visiting so many Places, or finished so many Voyages in so short a Time as *Pompey*, and his Fleet bore about the Terrors of War? Before the Season came on, he touched at *Sicily*, he sailed to *Africa*, from whence he passed over with his Fleet to *Sardinia*, and fortified these three principal Granaries of *Rome*, with strong Squadrons and sufficient Garrisons.

THENCE passing over into *Italy*, having fortified the two *Spains* *, and *Cisalpine Gaul* with Garrisons and Fleets, sending likewise some Forces into the *Illyrian Sea*, and *Achaia*, he secured all *Greece* by his Squadrons, and the two Seas of *Italy* with powerful Fleets, and strong

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mained there, and deposited all their Booty, and those they had not slain, in their City. *Vide Dion, Lib. xxvi.*

* One on one Side of the River *Iber*, and the other on the other.

Re-inforcements. He himself, after he left *Brun-
dysium*, added in forty-nine Days all *Cilicia* to
the *Roman* Empire; all the Pirates in every
Corner were either taken, destroyed, or sur-
rendered themselves to his single Command
and Authority. The same General, when the
Cretans had sent Ambassadors and Mediators as
far as *Pamphylia*, where he then was, were by
him encouraged in their Application to have
Permission to surrender; and accordingly he
ordered them to give Hostages.

THUS a War so great, so lasting, so distant,
so diffused, a War that threatened so many Na-
tions and People, was by *Pompey* in the End of
Winter provided for, in the Beginning of
Spring* entered upon, and in the Middle of
Summer finished.

SUCH are the Effects of divine incredible
Courage in a General. Then how shall I do
Justice to those amazing, those numberless Qua-
lities which I have already mentioned? The
Virtues of the Soldier are not the only Quali-
fications

* We are told by the Historians of those Times, that this
War was prepared for, undertaken, and finished within four
Months. *Livy*, Lib. xcix. tells us, that in forty Days the Pi-
rates were quite banished from the Seas. *Plutarch* says, that in
three Months, and *Appian*, that in seventy Days, all the Vessels
of the Pirates surrendered themselves to *Pompey*; and that, in
an hundred and twenty Days, all Towns, Castles, Forts, Re-
treats, &c. were subjected to the *Romans*, and ten thousand of
themselves slain.

cations of a great and consummate General; for they are embellished and attended with many other fine Accomplishments. In the first Place, what unspotted Innocence ought Generals to share? How universal ought their Temperance to be? How unshaken their Honour, how easy their Deportment, how extensive their Genius, and how humane their Natures? Let us in a few Words consider what a large Share of all these fall to *Pompey*; and that too, *Romans*, in the highest Degree; yet can they never be so well known and understood, should we weigh them by themselves, as when we put them in the Balance with others.

FOR what Value, what Character is due to the Man who is at the Head of an Army, wherein the Commissions are bought and sold? Can we think the View of that Man can be great and honourable for the Interests of his Country; who shall divide to Magistrates the Money furnished out of the public Finances for carrying on a War, in order to gain the Province he has in his Eye*, or lay it out here in *Rome* at Interest? Your Murmuring, *Romans*, discovers that you know the Persons whom I

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point

* Those Provinces that were to be given to the Consuls, and those that were to be bestowed on the Prætors, were first agreed upon by the Senate; and they afterwards obtained them either by Lot, from the Senate, or from the Tribunes of the People, whom they bribed very largely on such Occasions.

point at. For my Part, as I mention no Names, no Man can take Offence, without owning himself at the same Time guilty. But where is the Man who is ignorant of the Train of Misery and Ruin, which this Avarice of Generals has at all Times, and in all Places, brought upon your Armies?

THE Marches, which some of our Generals within these few Years have made through Lands and Cities, even in *Italy*, are fresh in your Memories; therefore may you more easily form a Judgment of what has passed in remote Countries; and whether more Cities of your Friends have not been demolished by the Winter Quarters of your Armies, than Towns of your Enemies have been taken during their Summer Campaign. The General, who is not Master of himself, never can be Master of his Soldiers; nor can the Man, who declines a fair Trial of his own Conduct, ever be the impartial Judge of another's Actions. Is it then surprizing that *Pompey* should possess Qualifications superior to those of all Generals alive, since the March of his numerous Armies through *Asia* was such, as that not only their Hands, but their very Feet, never did the least Injury to the peaceful Inhabitant? Even now, every Day's Letters and Talk inform us in what Manner his Troops live in their Winter Quarters.

ters. It is not enough to him that no Man pays for the Expences of Cloathing and Maintaining his Soldiers, but he will not suffer even those who desire it, to be at any Charges on that Account. For our Ancestors always meant that the Dwellings of the Friends and Allies should shelter from the Inclemencies of the Winter, and not gratify the Cravings of *Avarice*.

LET us now consider how great is his Temperance in other Respects. Whence do you imagine did he borrow the amazing Rapidity of his Voyages? Not from the extraordinary Strength of his Rowers, the matchless Skill of his Pilots, nor the indulgent Breath of New Winds, that so swiftly wafted him to the Ends of the Earth. His Dispatch was owing to his not being amused by those Circumstances that retard others. The Lust of *Lucre* never diverted him into the Pursuit of Plunder; no Appetite could seduce him into Pleasure; no Charms provoke him into Delight; the Beauty of no City excite his Curiosity; nor, in short, could Toil itself sooth him into Slumber; and, to crown all, he even denied to his Eyes the Pleasure of gazing on those Paintings, Statues, and other Ornaments of the *Greek* Cities, which other Generals think Perquisites of their Commissions.

THUS the Inhabitants of these Parts look on *Pompey*, not as one sent from *Rome*, but commissioned from *Heaven*; now they begin to think it not altogether so incredible that *Romans* were once thus temperate; a Tradition that hitherto seemed to Foreigners Romance and Imposture. The Lustre of our Empire is now diffused over these Countries; now are they convinced that it was with good Reason their Fathers, while our Governors were thus temperate, chose rather to be the Subjects of *Romans*, than the Sovereigns of others. For at this very Instant so easy is he of Access to the Meanest, so freely may the lowest Inferior speak their Complaints, that the Man, who in Dignity is greater than the greatest of Princes, in Gentleness appears on a Level with the lowest of the People.

How great is he in Counsel, what Dignity, what Estate? What a commanding Character there is in his Expression, you yourselves, *Romans*, have often experienced in this very Place. Shall we imagine we can do Justice to his Truth, a Virtue which every Enemy of every Kind has owned in him to be untainted? So extensive is his Benevolence, that it is hard to say, whether his Enemies more dread his Courage when they fight; or are charmed with his Sweetness when they are conquered: And shall it admit of
a Doubt,

a Doubt, whether the Management of this War ought to be committed to a Man who seems by Divine Appointment to be sent into the World, that he may put an End to every War that harraffes this Age.

AND as Authority is of a decisive Influence in the Management of War, and the Execution of Military Command, can we a Moment doubt that this too is a distinguishing Character of our General? Who is insensible, that great are the Effects that arise from the Opinion, which both Friends and Foes entertain of your Generals, when we know that in Matters of such Importance, as Mankind behold the principal Agents, either in a contemptible, or awful, an odious, or an amiable Light, they are actuated as much by Notions formed from Report, as by Principles founded on Reason? Where then is, where ever was there a Man upon Earth superior to him in Fame? Where is his Rival in Glory? And, to give his Authority the most authentic Stamp it can receive, where is the Man upon whom you have bestowed so repeated, so distinguishing Honours?

Do you imagine there is a Coast so remote, so desert, as not to be reached by the Fame of that glorious Day, when all assembled *Rome*,

the *Forum* filled*, and every Temple crowded, from whence this Place could be viewed, demanded *Pompey* to command in a War, wherein all Nations, and all the Laws of Nations were interested? Therefore, that I may say no more, nor be obliged to strengthen what I advanced by other Instances, to prove how decisive his Authority is in War, let me bring Instances from all the glorious Things performed by our *Pompey*; the Day he was created General for the *Maritime* War, his single Name and Character by you, changed the greatest Death and Scarcity of Provision into Plenty, scarce to be equalled after a favourable Season during a long Peace.

AFTER our fatal Blow in *Pontus*, in the Battle, which with Reluctance I have named, while our Friends trembled, while our Enemies increased in Spirit and Strength, while that Province was destitute of sufficient Protection; *Romans*, we must have lost *Asia*, had not the Fortune of *Rome*, by a providential Interposition, directed *Pompey* into that Country. His Arrival both awed *Mithridates*, who was inflamed with the Insolence of Conquest, and stopped the March of *Tigranes*, who threatened *Asia* with a formidable Power.

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* He here calls the Place where the *Comitia* were held, the *Forum*, because it lay so near the *Forum*, that they were often called by the same Name.

Is it then difficult to conceive what he will be able to effect by his Courage, when he could effect so much by his Authority; and that it will be easy for him, when in Commission, and at the Head of an Army, to preserve your Friends and your Finances, when his very Name and Character have already protected them?

BUT let us consider one Circumstance which discovers his great Reputation with the Enemies of *Rome*, who from distant, from discontinuous Places, and, in a short Time, surrendered themselves to *Pompey* alone. Nay, the *Cretan* Ambassadors, while a *Roman* General and Army were on their Island, found *Pompey* out in the most remote Parts of the Earth, and offered to deliver into his Hands all the Cities of *Crete*. How! Did not this very *Mithridates* send an Ambassador into *Spain* to *Pompey*, who treated him with all the Respect due to that Character? Though they, who took it amiss that the Credentials should be addressed chiefly to him, chose to treat him rather as a Spy than an Envoy. From all this, *Romans*, you may form a Judgment, what decisive Advantages such Authority, swelled by a Train of glorious Successes, and strengthened by your repeated

repeated Applauses, will have with those *foreign* Princes and States.

GIVE me now Leave with all the Caution, with all the Conciseness that befits a Man who is to mention the wise Dispositions of Providence, to touch upon his Success, a Circumstance, which though no Man can attach to his own Person, yet every Man may record and celebrate in another. And indeed, I am one of those who think that Power and the Command of Armies were bestowed upon *Maximus*, *Marcellus*, *Scipio*, *Marius*, and other great Generals, often, not only from the Experience of their Qualifications, but an Opinion of their Fortune. For, believe me, it has been known, that to the Dignity, the Glory, and the enterprising Spirit of great Men, Providence has sometimes linked the Indulgence of Fortune. But, in expressing the Successes of our Hero, I shall be so moderate as to speak, not as if he could command Fortune, but in such a Manner as that it may appear, we have not forgot his past, nor despair of his future Success: Thus shall my Speech awaken in the Gods neither Jealousy of our Glory, nor Indignation at our Ingratitude.

THEREFORE, *Romans*, I am not here to expatiate on the Civil, on the Military Glory, which

which he has atchieved, nor the Success that still attended him on every Element that required his Arms ; a Success so great, that not only his Countrymen courted, his Allies performed, and his Enemies obeyed his Commands ; but even the Winds and Waves seemed obsequious to his Nod. Let it suffice, however, to say this much in very few Words : That no Man had ever yet the Impudence, even to conceive a silent Wish, that the immortal Gods would crown him with such repeated Proofs of their Favour, as they have bestowed on *Pompey*. That these, O *Romans* ! may ever distinguish, may ever bless him, you ought to pray and wish, as I am sure you do, as well on Account of the Prosperity of *Rome*, and her Glory, our common Cause, as from your Respect due to the Person of the Man.

As therefore this War is so necessary that it cannot be avoided, so important as to require the greatest Abilities to manage it, and as you may now commit it into the Hands of a General, who unites in his Person the most consummate Knowledge of Military Affairs, unparalleled Courage, unquestionable Authority, and unprecedented Success ; are ye, *Romans*, under the least Doubt that ye should employ this Blessing, presented and bestowed by the immortal

mortal Gods, for the Safety and Enlargement of this Empire?

WERE *Pompey* at this Instant a private *Roman*, he is the only Man you could single out to send upon this important Expedition; but now that, with other decisive Advantages, this Convenience concurs, that he is at the Head of an Army upon the very Scene of Action; that he can immediately put himself at the Head of another, which others now command; why do we hesitate? Or why do we not, by the Help of Heaven, devolve this ROYAL War upon the Man whom we have already intrusted with our most important Concerns, and with the very Being of our State?

BUT *Quintus Catulus*, a Man of the greatest Honour, the truest public Spirit, and distinguished by you in the most glorious Manner; and *Quintus Hortensius* likewise, who enjoys every Accomplishment of Quality, Fortune, Virtue, and Genius, differ from my Sentiments. These are Men whose Opinions have had, and I own justly too in many Respects, a prevailing Influence upon your Deliberations: But on this Occasion, though ye are sensible I struggle against the Dictates of the bravest and most eminent Men in *Rome*; yet, setting all Dictates aside, it is possible to come at Truth from the very
Nature

Nature and Reason of the Thing itself; and the more easily as they agree to every Thing I advance; nay, they own that all is true, that this War is necessary and important, and that *Pompey* alone has all the great Qualifications necessary to manage it.

BUT what is the Argument of *Hortensius*? If every Thing is to be invested in one Man, *Pompey* ought to be the Man. But he denies the first Position with Arguments now grown stale, and is refuted by Facts more than by Reasoning; for you *Quintus Hortensius*, with all that Command of Expression, with all that Mastery of Eloquence you possess, spoke with Authority and Dignity a great deal in the Senate against *Aulus Gabinius*, a brave *Roman*, when he brought in a Law to put the War against the Pirates into the Hand of one General, and from this very Place you declaimed with great Violence against that Law.

BUT, Eternal Gods! if YOUR Dictates had a more prevailing Influence with the *Romans* than the Preservation and the true Interests of their Country, should we at this Day have been in Possession of immortal Glory and universal Empire? What did you imagine was become of this Empire, when the Ambassadors, the Prætors, and the Quæstors of the *Roman* People were taken

taken Prisoners; when we were cut off from all Communication either public or private, with all our Provinces for supplying Provisions to the City? When the Seas were blocked up in such a Manner as to render it impracticable to guard either the Property of Individuals, or the Interest of the Whole? Where was there ever a State, I do not speak of the *Athenians*, who were once powerful at Sea; nor the *Carthaginians*, whose Fleets were formerly well disciplined and formidable; nor the *Rhodians*, whose Skill and Glory in Naval Affairs have reached even our Days? But where, I say, was there ever a State so pitiful, an Island so narrow, that of herself was not able to protect her own Ports and Possessions, with at least some Part of her Coasts and Shores? Yet, by Heaven, the very People of *Rome*, a People, who to our Days transmitted their Maritime Glory unsoiled in every Action by Sea, was wounded before the *Gabinian Law*, not only in her Interests, but her Dignity and Glory. We, whose Ancestors conquered at Sea the Kings *Antiochus* and *Perseus*, and, in every Engagement on that Element, worsted the *Carthaginians*, then the ablest and most expert Sailors in the World; yet we, I say, were not a Match for Pirates. We too, who not only guarded *Italy* from Insults, but by the very Authority of our Name protected our Allies in the most remote Corners of the World, so that
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the Island of *Delos*, distant from *Rome* so far as the *Ægean* Sea, the *Staple* Port for all Merchandizes and Commodities, full of Riches, small in Circumference, unprotected by Forts, had nothing to fear; yet are we the same who were insulted and injured, not only in our Provinces on the Coast of *Italy*, and within our own Harbours, but even on the *Appian* Way; yet even at that Time a *Roman* Magistrate could without a Blush mount this Tribunal, left by your Fathers as a Monument of their Glory by Sea, and by them ornamented with Naval Spoils, and Maritime Trophies.

Quintus Hortensius, the *Romans* were sensible that when you, and such of your Friends as were of your Opinion, delivered your Sentiments, you delivered them with an honest Intention; but the same *Romans* at the same Time chose rather to revenge their own Injuries, than to obey your Dictates. Therefore, one Law, one Man, one Year, delivered us not only from that Misery and Infamy, but effectually proved to all Nations, to all People upon Earth, that we were the real Lords of the World, and Masters of the Main,

On this Account, to me it appeared to be a scandalous Indignity, offered, what shall I say, to *Gabinus*, or to *Pompey*, or in Truth, to both, by putting a Negative upon *Pompey*, who demanded and required *Aulus Gabinus* as his Lieu-

Lieutenant-General; as if the General, who demanded an agreeable Officer to act under him in so important a War, ought to have been refused, when it is known that those Generals, who marched out to rob our Allies, and plunder Provinces, carried along with them what Lieutenant-Generals they pleased; and, as if the Man who preferred a Law that provided for the Preservation and Dignity of *Rome*, and the World, ought not to share in the Glory of a General, and in an Army approved through his Counsels, and levied through his Labours.

COULD *Cn. Falcidius, Q. Metellus, Q. Cælius Latinienſis, Cneius Lentulus*, all whom I name with great Regard, in this Year be Tribunes of the People, and the next appointed *Lieutenant-Generals*; and shall *Romans* distinguish themselves by an Opposition to *Gabinus*, who in a War, carried on in Consequence of his own Law, under a General, and with an Army which through you he raised, has a Right to be preferred? I hope the Consuls will propose to the Senate to put him into this Commission; but, if they shall have any Doubts or Difficulties on this Head, I here declare that I myself will propose him; nor, *Romans*, shall the menacing Dictates of any Man prevent me, under your Protection, from defending your Rights and Privileges; nor shall I listen to any Thing

Thing but an Interposition upon this Occasion. I hope that those *Romans*, who threaten, will with the greatest Deliberation weigh the Probability of their own Success. As to this Point, my Judgment, *Romans*, is, that *Aulus Gabinius*, the Proposer of the Maritime War, and all that was then done, is the only Man proper to act as an Assistant to *Pompey*. Because the first by your Commands devolved that War upon the other, and he on whom it was devolved finished it with Glory and Success.

It now remains that I should take some Notice of the Opinion and Judgment of *Quintus Catulus*, who put the Question, that if all your Hopes were centered in *Pompey*, To whom could you, in any mournful Event that might happen to his Person, have Recourse? Great and Glorious was the Return that his Virtue and Dignity then received, when almost unanimously you called out, that IN SUCH AN EVENT HE HIMSELF SHOULD BE THE MAN ON WHOM YOU WOULD CAST YOUR EYES, IN WHOM YOU WOULD REST YOUR HOPES. And indeed, he is a Man of such a Character, that no Charge is so great, no Undertaking so difficult, but that his Wisdom can direct, his Integrity guard, and his Courage surmount it. But, in this Point, I am of an Opinion diametrically opposite to his; for, I think, the more

frail, the more uncertain that human Life is; our Country, while the Gods permit, ought to avail herself of the Life and Virtues of the best and greatest of her Sons.

BUT why make Innovations, why take Steps for which there are no Precedents in the Practice and Proceedings of former Ages? I shall not mention here, that our Fathers in Peace always followed Precedents, but in War aimed at Interest; that their Counsels and Conduct varied according to the unexpected Exigencies of their Situation; I shall not mention that two very great Wars, the *Carthaginian* and the *Spanish*, were finished by one General; that *Carthage* and *Numantia*, two very powerful Cities, the most dangerous Rivals of *Rome*, were by the same General destroyed: I shall not mention that but lately you and your Fathers thought it expedient to rest your whole Hopes of Empire upon the Person of *Caius Marius*; that to his Hands were committed the Wars with *Jugurtha**, with the *Cimbri*†, and with the *Teutoni*‡. You yourselves remember how many unpre-

dented

* *Marius* overcame *Jugurtha*, and led him and his two Sons in Triumph, who were afterwards slain in Prison.

† The *Cimbri* often routed the *Roman* Armies, and took their Generals Captives; but at last *Marius* overcame them in two Battles, in which he slew two hundred thousand of them, and took ninety thousand Prisoners.

‡ After the *Cimbri* were routed, they joined themselves to the *Teutoni*; but *Marius* gave them a remarkable Defeat, by killing forty, and taking sixty thousand of them Prisoners.

dedented Steps were taken, even with the hearty Concurrence of *Catulus*, in the Case of this very *Pompey*, to whom *Catulus* now opposes the granting any new Powers as an unconstitutional Measure.

WHERE was there any Thing so unprecedented as that a Stripling, without any public Character in the World, should, at a Juncture dangerous to his Country, levy an Army? Yet this he effected. But did he command it? He did. Did he act with Conduct and Success? With both. Where was there ever any Thing more unprecedented than that a young Man, whose Years were far from giving him a Qualification to sit in the Senate*, should be put in Commission, and at the Head of an Army? That the Government of *Sicily* and of *Afric* should be granted him, and that he should be intrusted with the Management of that War? As the Governor of these Provinces, unparalleled was his Integrity, his Wisdom, and his Courage. As General in *Africa*, his Success was compleat. He finished the War, and brought off his Army with Glory and Triumph. Who before ever heard that a *Roman Knight* should triumph? Yet this Sight the People of *Rome*

U 2

be-

* *Plutarch* says of him, that he could easily have been received into the Senate, before the Age appointed for that Purpose, but that he refused it, thinking it a greater Honour to triumph whilst only a *Roman Knight*.

beheld; nay, beheld with Joy, and with Rapture. Who ever knew that, when we had two illustrious brave Consuls, a *Roman Knight* should supply the Place of one of them, and be sent to command in a great and a formidable War? Yet he was sent; and at that Time there was not a Man in the Senate so hardy as to suggest, that a private Person ought not to be sent instead of a Consul. *Lucius Philippus* is reported to have said, that, were his Opinion followed, *he should be sent not in Place of one, but of both the Consuls.* So great, so promising was his Capacity for Government, that, though a Youth, his Abilities were thought equal to the Functions of two Consuls. Could any Thing be more extraordinary, than that the Senate by their Decree should so far dispense with the Laws, as that he became a Consul at an Age which disqualified him from acting in any other Character of a Magistrate? Was it not incredible, that by a Decree of the Senate, while a *Roman Knight*, he should triumph a second Time? Thus all the Novelties, which we have known to happen in any Age, fall short of those that meet in the Person of *Pompey* alone: Nay, he derived all these Honours, repeated and unusual as they are, from *Quintus Catulus*, and the Authority of the other great and eminent Men of the same Order.

LET

LET them beware therefore, lest, as they set the Precedents which you approved of, as to the Power of *Pompey*, it may seem unjust and flagrant; should they now oppose the Choice of you, and all *Rome* besides, who have fixed upon the same Person: Especially as the *Romans* have now an irrepealable Right to support, against all Opposition, their Election of this Man; because even against their Will you chose him from amongst all other *Romans*, to command in the War with the Pirates.

If you did this rashly, and without consulting the Interests of your Country, they are in the right to endeavour to over-rule your Choice by their Interposition. But if your Sense of the Interests of *Rome* was truer than theirs; if though opposed by them, by yourselves, you at once gave Dignity to *Rome*, and Safety to the World, then must these Dictators acknowledge that both they and others ought to submit to the Voice of the collective Body of the *Roman* People. But this *Asiatic* and regal War demands not only that Military Virtue so conspicuous in *Pompey*, but other intellectual Accomplishments which must be many and great.

DIFFICULT is the Task for a *Roman* General to behave in *Asia*, *Cilicia*, *Syria*, and other

more remote Countries, in such a Manner as that he shall dream of nothing but Glory and Conquest; for, though some are under the Restraints of Shame and Modesty, yet so great is the Number of the Greedy, and Oppressors, that they are considered in another Character. It is hard, O *Romans*! to express how detestable we are now become among *foreign* Nations, on Account of the Vices and Lusts of those, whom of late Years we have sent out as their Governors. Where in these Lands the Temple so holy as to be unprofaned? Where the City so awful as to be inviolated? Where the House so fortified as to be uninvaded by our Magistrates? And even now they are endeavouring to find rich and noble Cities, in order by their Injustice to kindle a War, and by Means of the War to gratify their Avarice by Plunder.

WILLINGLY would I debate this before these two great and eminent Men, *Q. Catulus*, and *Q. Hortensius*, who know the Wounds, see the Distresses, and hear the Complaints of our Allies. Did you intend to send an Army for the Relief of your Allies against your Enemies, under this Pretence to attack the Friends and Confederates of *Rome*? Where is the State in all *Asia*, that can bound the Ambition and Avarice, I will not say of a General, or his Substitute, but of a single Tribune of the Army!

THERE-

THEREFORE, though ye had a General, who in a pitched Battle may appear able to rout these Forces of the Monarchs; yet, if he refrains not his Hands, his Eyes and Thoughts from the Riches of our Allies, from their Wives and Children, from the Decorations of their Temples, from the Ornaments of their Cities, and from the golden Temptations of their Palaces; never can be a fit Man, for managing an *Asiatic* and a Regal War.

WAS it ever known in their Cities, that Tranquillity dwelled with Riches, or was ever any City rich to which they seemed to give Tranquillity? The Sea-Coast, O *Romans!* implored *Pompey*, not more on Account of his Military Glory, than for the Purity of his Heart. The *Romans* observed, from Year to Year, that the public Money enriched only a few; nor did we gain, by all the Parade of our Naval Armaments, aught, but an Addition of Infamy from repeated Injuries. Is there a Man, who opposes this Measure, now ignorant with what a Lust of Lucre, through what a Profusion of Corruption, and on what venal Terms our Magistrates now repair to their Provinces? Thus may we behold *Pompey* great, not only in the Light of his own personal Virtues, but the Vices of others.

No longer therefore hesitate in committing
 U 4 this

this general Command to the Man, the only Man, whom for many Years your Friends have with Joy admitted into their Cities, at the Head of an Army. *Romans*, do you require an Authority to confirm your Purpose. Let me appeal to *Publius Servilius* *, a Man of universal Experience in War, and glorious Expeditions: In short, the Man who has acquired so much Glory, both by Sea and Land, that, when Military Matters are under your Deliberation, the Opinion of no *Roman* ought to be more decisive than his. *Caius Curio* † is another Authority, a Man distinguished by your highest Favours, by the glorious Actions he has performed, and the great Capacity and Wisdom he possesses. Let me appeal to *Cneius Lentulus*, whom you all know to share in your highest Honours, the Rewards of his consummate Prudence and Dignity; I appeal to *Caius Cassius*, a Person of unparalleled Integrity, Virtue, and Resolution. Thus you see in what Manner we can answer by their Authorities the Speeches of the opposite Party.

HAVING

* This *Publius Servilius*, was sent to the *Piratic War* after *Antony*, and gained a very glorious Victory; and, not content with driving them from the Seas, he ravaged *Phaselis* and *Olympus*, their best fortified Towns, and *Isauros*, the chief Port of *Cilicia*; which he thought so glorious an Exploit, that he assumed the Surname of *Isauricus*.

† This *Curio* was Consul with *Lucius Octavius*, who when Proconsul routed the *Dardani*.

HAVING said thus much: In the first Place, *Caius Manilius*, with Zeal, with Fervour, I approve of your Law*, your Endeavours and Opinion: In the next Place, I conjure you, as you value the Happiness of *Rome*, that you suffer no Attack, no Threatenings to daunt or drive you from your Purpose. As you seem to have Spirit and Resolution, and are here backed with a greater Multitude of *Romans*, once more zealous for committing a general War into the Hands of one and the same Man; What is there either in the Measure itself, or in your Interest, to carry it through, that you ought to doubt of? For my Share, whatever I possess by Labour or Industry, by natural or acquired Talents, by the distinguishing Favours of the *Roman* People, and by this Prætorian Power; whatever I can effect by my Authority, Character, and Resolution, I promise, I make it all over to you and the *Romans* for carrying this Point.

I ATTEST all the Gods, and chiefly those who preside over this Place, and this Temple, those Powers who can read the Intentions of the Patriot

* This Law was not a little offensive to those who loved their Country; because the Public Liberty seemed infringed by committing the Charge of the War to one Hand only; and because by that Means *Lucullus* was deprived of that Glory, which was justly due to him on Account of his Actions: Many endeavoured to oppose this Law, but none appeared so keenly against it as *Catulus*. See *Plutarch* in *Vita Pompeii*.

triot Breast, that from no Sollicitation, from no Favour I was to receive from *Pompey*, from no Shelter, which I thought the Greatness of any Man might afford me in the Hour of Danger, nor from the Prospect of any additional Honour to myself, have I undertaken this Part; for I know that the Shield of Innocence, with which every good Man ought to be armed, can easily repel the Attacks of Danger; and that I can attain to Honour neither through one Man's Means, nor from this Place, but from a Perseverance in the laborious Purposes of my Life crowned by your Favour.

THEREFORE, *Romans*, do I affirm, that the Part I have undertaken on this Occasion was undertaken with a View to the Good of my Country; and so far am I from any Appearance of pursuing a private Interest, that I can easily perceive that I am now to encounter a deal of Malice, partly private, partly public, that I might have avoided, and by which you may profit. But cloathed with this Dignity, and sensible as I was of your Favours, I determined, O *Romans*! to prefer your Sentiments, the Honour of my Country, the Safety of our Provinces, and the Preservation of our Allies, to every selfish View, and every partial Interest.

T H E



THE A R G U M E N T.

LIGARIUS was accused by Tubero, a Kinsman of Cicero's, who had a personal Grudge at him, before Cæsar, of having distinguished himself as Cæsar's Enemy in the late War. Cæsar was pretty well convinced of the Truth of this ; and some Circumstances in the Conduct of Ligarius had determined him, notwithstanding all the Application of Friends, not to pardon him : In short, he boasted that his Resolution was so fixed as to be unalterable, even by all the Charms of our Author's Eloquence. But when Cicero, who had undertaken to plead for Ligarius, entered upon his Defence, he found his Resolution but weak against the pathetic Strain, with which the following Oration is worked up. Nay, so strongly were the Passions of that perhaps the greatest Man, that ever was on Earth, touched, that he dropped the Papers which he held in his Hand, and cried out in Extasy, TULLY, thou hast conquered, and pardoned Ligarius.

This Oration was delivered in the Year of Rome 707, of Cicero's Age 61.

M. T.



M. T.

C I C E R O's
O R A T I O N
F O R
Q. L I G A R I U S.

NEW and hitherto unheard-of is the Charge which, O *Cæsar*! my Kinsman *Tubero** has brought before you; that *Quintus Ligarius* had been in *Africa*: And *Gaius Pansa*, a Man of excellent Parts, depending perhaps upon his Intimacy with you, ventured to own it. Therefore how to behave I know not, for I had come prepared, presuming that you neither knew any thing of this Affair yourself, nor could be informed of it by

* It is uncertain whether this *Tubero* was *Cicero*'s Neighbour or his Kinsman; the Word *Propinquus* implies either. The Reader will no doubt observe what a delicate Irony runs thro' the Beginning of this Oration.

by any other Means, to impose so far upon your Ignorance as to obtain Pardon to an unfortunate Man. But, as this mighty Secret has been discovered by the Vigilance of our Antagonists, our best Course, I think, is to confess it. Especially, as by Means of my very good Friend *Caius Panfa**, it is not in our Power to do otherwise; and, dropping all Debate upon the Matter, our Pleading must turn upon your Clemency, which has saved so many, by their receiving not Pardon for their Crimes, but Indulgence for their Mistake. You have, *Tubero*, the greatest Advantage which a Prosecutor can have, *the Accused pleads Guilty*; but *pleading* that you, and your Father, a Man without Reproach, acted the same Part, for which he is now arraigned; you are therefore under a Necessity of confessing yourselves guilty, before you can impeach the Conduct of *Ligarius*.

Quintus Ligarius then, before there was any Appearance of a War, went as Lieutenant-General under *Caius Confidius* † into *Africa*. In this

* He was a Friend of *Cæsar's*, and mentioned in the tenth Epistle of the sixth Book of his Familiar Letters.

† Though the Word *Legatus* here is translated *Lieutenant-General*, it was not however an Office at all correspondent to what we understand by the Name of a Lieutenant-General. They were, as *Cicero* says in his Oration, against *Vatinius*, *Nuntios pacis ac belli Curatores, Interpretes, auctores bellici concilii, ministros muneris provincialis appellat*. That is, Messengers of

this Station, he acquitted himself so much to the Satisfaction both of our Countrymen and Allies, that it had been impossible for *Confidius*, after he had departed, to have pleased the Inhabitants, if he had left the Government of that Province in any other Hands. Therefore *Quintus Ligarius*, having long but unavailingly declined it, took upon him the Charge of the Province much contrary to his Inclination, and his Administration in Peace was such as to endear his Integrity and Honour, both to our Countrymen and Allies.

A WAR blazed out so suddenly, that they in *Africa* heard of its Operations sooner than its Preparations. Upon this News, partly from an ill-founded Hope, partly from a blind Fear *, first upon the Principles of Safety, then of Affection, they looked out for a General. All this Time, *Ligarius* having it in View to return Home, and wishing again to see his Friends, would not suffer himself to be involved in any Manner of *public Business*. In the mean Time,
Publius

of Peace, and Managers of War. The Interpreters and Advisers of all Measures relating to War, and Deputies of the provincial Duty.

* The Interests of the *Africans* were very much connected with the Success of the Civil War betwixt *Cæsar* and *Pompey*; and, as Gratitude is but a second Consideration to Interest, had they been left to their own Choice, they would have followed *Pompey*, because they had received many signal Favours from him.

Publius Attius Varus, who, as *Prætor*, had obtained the Government of *Africa*, came to *Utica*, and instantly Every-body had Recourse to him. But he, with more than common Eagerness, seized the Command, if that can be called *Command*, which by the Clamours of a heedless Multitude, without any public Decision, devolved upon a private Man. Therefore, *Ligarius*, who is averse to every Business of that kind, gained a little Respite upon the Arrival of *Varus*.

As yet, *Caius Cæsar*, *Quintus Ligarius* is intirely blameless; he went from Home upon no War, nay not so much as upon the smallest Presumption that a War was to happen*; he went as Lieutenant in a Time of Peace, and in a very peaceable Province behaved in such a Manner, that he had Reason to wish for its Continuance. If you, therefore, ought not to resent his Departure, ought you to resent his Stay? Far less: For, as at his Departure he had no dishonourable Views, so his Stay was occasioned by a laudable Necessity. During these two Periods, therefore, he is blameless; when he departed as Lieutenant, and when,

* The Reader may here observe how artfully our Author opens his Client's Cause, by pleading a Compulsion which *Ligarius* was under, for taking up Arms against *Cæsar*, and yet at the same Time he never mentions any one Overtact committed by *Ligarius* against *Cæsar*.

when, at the earnest Sollicitation of the Province, he was made Governor of *Africa*.

A THIRD Period is to be accounted for; and that is the Time of his Stay in *Africa* after the Arrival of *Varus*. If this was criminal, it was so through Necessity and not Choice. Had it been by any Means in his Power to have avoided it, would he have chosen to be at *Utica* rather than *Rome*; with *Publius Attius*, rather than his affectionate Brothers; with Strangers rather than Relations? As the Government itself had been full of Cares and Anxieties, proceeding from the incredible Affection he bore to his Brothers*, could such a Brother be easy in his Mind when torn from them by the Civil Discord?

You can fix yet, O *Cæsar*! no Instance of Disaffection to you on *Ligarius*, in whose Defence I now speak; a Circumstance which I humbly hope is worthy of your Attention, since the Zeal with which I plead his Cause betrays my own. Wonderful Clemency †! worthy of

* There is nothing in which our Author's Art is more eminent, than when he moves the Passions by throwing in some Instance of a private Virtue, in order to influence the Decision upon a public Cause. We may likewise observe how strongly the *Romans* were prejudiced in favour of any Man, who practised the Duties either of a Relation, or of a Friend.

† This is one of the finest Strokes that occurs in any Pleading, either antient or modern; nothing could be a more delicate Compliment to *Cæsar's* Person, yet at the same Time a stronger

all the Embellishment which Eloquence, Learning and Monuments can communicate. *Marcus Cicero* pleads before you, that another Person had not for you the same unfavourable Dispositions, which he confesses he himself entertained; nor does he dread your silent Reflections, nor does he fear with regard to himself any Prejudice arising from the Defence which you shall hear him make for another.

You see how undaunted I am; you see what Beams of your Generosity and Wisdom break upon me, while I plead at your Tribunal; and I could wish my Voice would serve me to be heard on this Subject by all the People of *Rome*.

AFTER the War, O *Cæsar*! was begun, after its Operations were advanced, without Compulsion *, it being the Result of my own Judgment

stronger Proof of our Author's Patriotism, since we do not find through all this Oration, that he ever once pretends, that he has changed his Sentiments. Nay, there is somewhat in the next Line, *Neque tacitas tuas cogitationes extimuisse*, i. e. nor does he dread your silent Reflections, which insinuate as if our Author had told *Cæsar*, that the latter knew very well the Original could never be his sincere Friend; for it was natural for *Cæsar* to think that it ill became one, who had himself been his Enemy, to plead the Cause for a Man arraigned for the same Crime. However, as I have taken Notice of it elsewhere, it was at the same Time an admirable Proof of the Greatness of *Cæsar*'s Soul, who could look down with a silent Kind of Compassion upon his Enemies.

* *Cicero*, in many Passages, endeavours to represent his Joining with *Pompey*, merely as an Effect of his own Gratitude. He likewise insinuates that, notwithstanding his Attachment to *Pompey*, he foresaw what the Event of the War would be.

ment and Choice, I inlisted myself with that Party which took Arms against you. Before whom do I own this? Why, before the Man, who, though he knew it, yet, without my appearing before him in Person, restored me to the Bosom of my Country; who wrote to me from *Ægypt** that I might continue, in the same Character I had formerly borne; who, through all the Extent of *Roman* Command, while he was the *only* Commander†, suffered me to be *another* ‡; from whom by a Message by this very *Caius*

* *Cæsar* after having overcome *Pompey*, came into *Ægypt*, where he remained nine Months. *Appian*, Lib. i. d. From thence he wrote to *Cicero*, by one *Philotimus*, and his Letters are made mention of in *Cicero's* *Epist. Fam.* *Cicero* had by this Time desired *Atticus*, by his Letters, to write to *Calpurnius*, *Pansa*, and *Hircius* to intercede with *Cæsar* in his Behalf, because they were intimate with him.

† The Word in the Original is *Imperator*, which I have translated *Commander*. Here the Reader must understand, that there was a great Difference between a *Dux Exercitus* and an *Imperator*. Any Man by Virtue of his Commission might have been *Dux Exercitus* or put at the Head of an Army, but it was his Success and Abilities in managing that Commission, by which he could be created *Imperator*. This Creation was performed by the Soldiers saluting their General with this Appellation, after performing any glorious Action. Under the Emperors this Dignity was conferred by a Kind of a *Congé d'honneur* from the Emperor.

‡ *Cicero*, when *Servius Sulpicius* and *Marcus Marcellus* were Consuls, was sent Proconsul into *Cilicia*, where he overcame the *Armenians*, and took the City *Pindenissus*: He likewise waged War against the Robbers, who infested Mount *Amanus*, for which Reason he was saluted *General* by the Soldiers. The following Year, when *Lucius Paulus*, and *Caius Marcellus* were Consuls, leaving his Province, he returned to *Italy*, and came near to *Rome*: By this Time a Civil War had arisen under the Consulate of *Lentulus* and *Marcellus*. But, because he did not actually enter the City, he kept his Office, and remained Pro-

Caius Pansa, I retained the Lawrels of Consular Dignity, as long as I thought proper; in short, who thought that he gave me Life, when he gave it with every Mark of Distinction that adorned it, unviolated.

OBSERVE, *Tubero* *, I beg, that I, who boldly own what was done by myself, dare not plead guilty to what was done by *Ligarius*; and I have owned these Facts of myself, that *Tubero* may pardon me when I mention him in the same Manner. He is a Person, whose Application and Merit I am fond of, both on account of my near Relation to him, the Delight which I receive from his Genius and Study, and because I imagine that, from the Reputation of a young Kinsman, some Advantage results to myself.

BUT I beg to know one Thing: Who thinks it a Crime in *Ligarius*, that he was in *Africa*? Why, the very Man who himself wanted to go to *Africa*; who complained that he was hindered by *Ligarius*, and without Dispute appeared

X 2

with

consul; for the Governors of Provinces retained their Office no longer than they entered *Rome*. We have, in the ixth Book of the Epistles to *Atticus*, an Epistle wrote to *Cicero*, in the Time of the Civil War, in which *Balbus* addresses *Cicero* thus, *Lucius Cornelius Balbus, Marco Tullio, Ciceroni, Imperatori Salutem*, and another in Lib. x. where *Cæsar* addresses him thus, *Cæsar Imperator, Marco Tullio Ciceroni, Imperatori Salutem*.

* In this Passage he, as it were, stops short, and by a Figure, which the *Rhetoricians* call *Epiphonema*, addresses himself to *Tubero*; the Force and Use of this, in Oratory, is already so largely and accurately handled, that I need say nothing of it here.

with Arms in the Field against *Cæsar*? * For what, O *Tubero*! was the Meaning of thy naked Sword in the Ranks † of *Pharsalia* ‡? At whose Breast was its Point directed §? What did thy Armour imply? Thy Spirit? Thy Eyes? Thy Hands? Thy forward Zeal? What didst thou wish? What didst thou want? I press the young Man too much; he seems to be shocked. Let me return to my own Case: I myself served in the same Army ||.

BUT what, my Friend, did we do, but wish to be Masters of *Cæsar*, as he now is of us. Shall then, O *Cæsar*! they who are the Monuments of your unpunishing Clemency, by their Language, exasperate you into Cruelty? And in this Cause, *Tubero*, I think that you have failed in point of Prudence; and much more your Father, who, though a Man of excellent Sense

* We are told that this Passage affected *Cæsar* so much, that he was ready to drop off his Chair. I own I cannot see the Energy which could produce that Effect; unless it proceeded from the commanding Action of the Orator.

† No Author ever had the Art, like *Cicero*, to make the best of any Circumstance he could lay hold of. The Figure contained in this, and the four or five following Lines, is vastly commended by *Quintilian*.

‡ *Pharsalia* was a Town of *Thessaly*, so called from *Phar-jalus*, the Son of *Ærisius*. This Battle of *Pharsalia* between *Cæsar* and *Pompey*, was fought by the River *Enipeus*. See *Appian*.

§ *Viz.* at *Cæsar*.

|| *Cicero* was indeed in *Pompey's* Camp, when then the Battle was fought, but he himself did not fight on Account of his bad State of Health. See *Plutarch*.

Sense and Learning*, could not perceive the Nature of this Prosecution; for, if he had, he would have chosen that you should manage it in any other Manner than this: Do you accuse one who pleads guilty? That is not the Whole of the Case; you impeach a Man, who has a better, or, if you will, as good a Plea as yourself †.

WHAT I mention is not only surprizing but astonishing; the Tendency of this Accusation is not that *Quintus Ligarius* should be found Guilty, but that he should be punished with Death. Before thee, never did any *Roman* Citizen act thus; such Manners are foreign ‡; the volatile *Greeks* §, or the savage *Barbarians*, used

X 3

to

* *Tubero*, the Son, was famous for his Knowledge of the Law. The Father, on the other Hand, for his Knowledge of History; as *Cicero* mentions in one of his Epistles to *Quintus* his Brother.

† The Cause of *Ligarius* was better than that of *Tubero*; because *Ligarius* remained in *Africa* against his Will, but *Tubero* willingly, and without any Compulsion.

‡ *Cicero* here throws a very groundless Aspersions on the *Greek* Nation; the Morals of which he supposes *Tubero*, on Account of his Levity and Cruelty, to have imbibed; whereas, had his Morals been formed upon *Roman* Models, he had no Doubt been all Honour, all Mildness and Humanity. This Prejudice sticks fast by *Cicero* through the Whole of his Writings, and whatever State or Kingdom enters the Comparison with his darling *Rome*, is sure to have no great Justice done it. Whether *Cicero* was really blind to the Vices of his Countrymen I will not take upon me positively to determine; but I am rather inclined to think that his overdoing his Encomiums of this Kind, is owing to his Inclination to prejudice his Audience in his Favour.

§ The *Romans* had much the same Opinion of the *Greeks*,

to carry their Resentment into Blood *. In what do you differ from them? *Do you insist* that *Ligarius* should not live at *Rome*? That he should be banished from his own House, from his excellent Brothers, from *Titus Brocchus* † here, his Uncle, his Son, his Cousin, and me? That he should not be suffered to live in his native Country? But how can he be more destitute of all these Comforts than he now is? He is debarred from *Italy*: He lives in Banishment. It is not then his Country you want to deprive him of, for she is already lost to him; but of Life. But no Man ever carried on such a Prosecution; even before that Dictator ‡, who killed every Man he hated §: A Dictator, who pronounced the Sentence of Death, without the Formality of an Impeachment; who even invited

as we have of a neighbouring Nation; that they were volatile, slight, and inconstant, and that these Defects led them into Treachery and Perfidiousness. The Epithet *Levis*, with them, signified all Kind of Villany and Treachery.

* It must be owned, that the *Romans* in their judicial Proceedings very seldom or never sought to affect the Life of the Party who was accused.

† *Brocchus* was a Surname of the *Furian* Family; which, as *Abrahamius* observes, was bestowed on them on Account of their large Mouths and prominent Teeth.

‡ He here means *Sylla*, who, after his Victory over the *Marians*, invaded the Consulate immediately after *Marius* and *Carbo* had ended their Consulate.

§ This is a fine Compliment to *Cæsar*, who, though he was a Dictator, yet always expressed a great Abhorrence of *Sylla's* Cruelty. *Sylla* not only proscribed, but put a Reward of two Talents upon the Head of every Man who was proscribed. *Cæsar* had

vited Murders * by Rewards! A Cruelty some Years after punished by the very Man whom you now wish to be cruel †.

BUT, say you, I do not impeach him. Indeed, *Tubero*, I think you do not; for I know yourself, I know your Father, I know your Family, and Descent. In short, I am fully sensible of every Excellency of your Race and Blood; your Virtue, Humanity, and Learning in many, even the most laudable, Arts. Therefore am I certain that you do not thirst after Blood; but you are grossly inattentive; for this Action points strongly that Way, since you appear not to be satisfied with the Punishment which *Quintus Ligarius* now undergoes. Can any then be more bitter, except Death? For, if he lives in Exile as he actually does, what can you require more? That he may not be pardoned! That indeed is still more bitter, still more severe. Will you then use your Endeavours ‡ to baffle all that we have been intreating by our Tears, by

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our

had this so much in Abhorrence, that, before he was Dictator or Consul, he prosecuted every Man as a Murderer, who had touched any Part of the public Money for killing any that was proscribed.

* *Sylla* proscribed many, and offered two Talents for the Death of every proscribed Person.

† *Cæsar* made a Law, whereby all those were looked upon as Cut-throats, who should draw the Money out of the Treasury, for producing the Head of any of the proscribed Citizens. See *Sueton's Life of Julius*.

‡ This Passage is worked up with great Art, and cannot miss to affect any Man, who has the least Sense of Compassion or Humanity.

our Prayers, by prostrating ourselves at his Feet, not relying so much on the Justice of our own Plea, as on his Benevolence? Wilt *thou* break in upon our Sorrows? Wilt thou prevent the Efficacy of those Prayers which, prostrate at his Feet, we pour out with the Voice of Supplication?

IF, while we did this at his House, which we have often, and I hope not ineffectually, done, thou shouldest of a sudden have broke in and set up an Outcry, *Cæsar, beware, beware how you pardon; beware how you relent at the imploring Voice of these Brothers, for a Brother's Life*; wouldest thou not then have divested thyself of all Humanity? But how much more barbarous is it that thou in the *Forum* shouldest oppose what we implore within the House; and in so deep, so general a Calamity, shouldest attempt to shut up the Sanctuary of Mercy?

LET me speak, *Caius Cæsar*, plainly as I think: Were not thy *own*, I say thy *own* Clemency, I know what I speak, as extensive as thy Fortune, every Success that attends thee would but swell the Sorrows of the Afflicted. For how many of those, who were Partners in thy Conquest, may we suppose, wish thee to be inexorable; since such we find even among the
Con-

Conquered * ? How many of those, who were against your pardoning any, would have obstructed your Mercy, when we find even those, who have received your Pardon, unwilling that others should experience your Mercy ?

BUT if we could prove to *Cæsar*, that *Ligarius* was not so much as in *Africa*; if, even by a laudable good-natured Lye, we should endeavour to preserve an unfortunate Country-man; yet it would be inhuman, when a *Roman* is in such Distress and Danger, to refute or detect our Imposture. But, if any Man was to be so officious, surely it ought not to have been a Man who once was in the same Circumstances, and for the same Cause. But it is one thing to wish *Cæsar* to be infallible, and another to wish that he were unrelenting. Then you would call out, *Take care, Cæsar, how you believe ! Ligarius was in Africa ; he carried Arms against you.* Now what do these Words mean, but, *CÆSAR, take care you do not pardon.* Is this a Language fit to be spoken by one Man to another ? Whoever, O *Caius Cæsar !* shall address thee in this Language, will sooner throw aside his own Humanity than divest thee of thine.

BUT

* Among the Conquered were the *Tiberones*, who were in *Pompey's* Camp, and this Passage contains what the *Logicians* call an Argument a *Minori ad Majus*.

BUT the Opening and Preliminary of *Tubero's* Pleading, if I mistake not, was *that he intended to speak to the Guilt of QUINTUS LIGARIUS*. I do not doubt but you was at a Loss to account, either why Nobody else had ever been charged with that Crime, or why a Man should commence *Impeacher*, who was embarked in the same Cause, or what new Charge of Guilt was to be urged? Dost thou, *Tubero*, call it Guilt *? Why? For that Principle hath hitherto escaped such a Term; some call it *Mistake*, some *Fear*; they who want to be a little severe, name it *Hope*, *Ambition*, *Hatred*, *Obstinacy*; they who speak with most Severity, call it *Rashness*; but thou art the only one who has ever named it *Guilt*. But to me, if we want to assign a proper and true Term to our Misfortune, a certain and fatal Calamity seems to have seized and possessed the unwary Minds of Men. Thus ought none to be surprized, that human Prudence has given Way to divine Fatality.

SUFFER

* This, as I have on a like Occasion observed, was speaking with more Boldness than any other Pleader in the like Circumstances ever did. What an Idea must it raise in the Mind to imagine *Cicero* pleading such a Cause before the greatest, the most successful Man that ever lived; a Man, who on the one Hand had Reason to think himself injured, and who on the other Hand was conscious that he had overthrown the Constitution of his Country. I say, to see *Cicero*, who had himself appeared in Arms against this great Man, boldly extenuating, nay, in some Measure justifying, the Opposition made to him.

SUFFER us to be wretched, though never can we be so under such a Conqueror; but I speak not of ourselves; I speak of those who have already fallen. Admit that they were ambitious, they were resentful, they were headstrong; but let a dead *Pompey*, let many others be unbranded with the Charge of Guilt, of Frenzy, of Parricide. O *Cæsar*! were ever such opprobrious Terms heard from you? When you took Arms, had you any other End but to repel an ignominious Usage *? What did that invincible Army of thine, but assert its own Rights and thy Dignity? How! when you discovered an Inclination for Peace †, was it that you might accommodate Matters with wicked, or with worthy Citizens?

FOR

* *Cæsar* had been ignominiously treated in three different Respects, as we may learn from the first Book of his Commentaries. 1st, When he had the Administration of *Gaul* entrusted to him for the Space of ten Years, a Successor was appointed to him before that Time was expired. 2dly. When he left *Gaul*, and applied for the Consulate, it was denied to him. 3dly, When the Honour of a Triumph, in Consequence of a Victory he had gained, was refused him, the Senate inclined that he should give an Account of his Management.

† *Cæsar* was all along desirous of Peace, for, before the Civil War broke out, he sought for it, as he himself tells us. Lib. iii. *De Bell. Civil.* This is likewise plain from his Epistle to *Appius Cornelius*, which is extant. Lib. ix. *ad Atticum*, Epistle 8, and *Cicero* himself. Lib. vi. *ad Familiares*, *ad Cæciliam*, when he mentions the War between *Pompey* and *Cæsar*, has these Words: *Admirari soleo Gravitatem & Jusitiam & Sapientiam Cæsaris qui nunquam nisi honorificentissime Pompeium appellat; at in ejus Personam multa fecit asperius; armorum illa, & victoriæ facta, non Cæsaris.*

For my own Part, I own, O *Cæsar*! the great Obligations I lie under to you would not to me appear so strong, had you pardoned me as you would a Ruffian. For by what Means could you deserve so well of your Country, if you should preserve the Honours of so many Ruffians intire? You considered it at first, O *Cæsar*! as a Secession, and not as a War; not as a hostile Rancour, but a political Schism between two Parties, who both wished well to their Country, but deviating into Measures inconsistent with her Peace, some through Well-meaning, others through ambitious Views. The leading Men of each Party were almost equal, as to their Characters; though it was perhaps far otherwise with those who followed them. The Cause was then doubtful, because on both Sides there was something that was justifiable; but now the Preference is on that Side which the Gods have favoured. But, after such Proofs of your Clemency, where is the Man who can repine at a Victory, by which none fell but in Arms?

BUT not to speak of the public, let us come to our private Concerns. Which, *Tubero*, do you imagine was most easy, *Ligarius* to leave Africa, or you not to go to Africa? Were we not at Liberty, say you, when the Senate decreed
it?

it? If you ask my Opinion, by no Means; but the same Senate had sent *Ligarius* thither*, and he obeyed at a Time when there was a Necessity of obeying the Senate; you at a Time when any Man might have disputed their Orders, if he had pleased. Did I then blame you? Not at all. You acted but consistently with the Principles of your Race, your Name, your Family, your Education. But I cannot allow that you should blame in another the very Things of which you yourselves boast.

By Decree of the Senate, this Commission was allotted to *Tubero*, at a Time when he was not present, being detained by Sickness: He had determined to excuse himself. These Circumstances I have learned, by Means of all the Connexions I have with *Lucius Tubero*. At Home we were educated †; Abroad we served together ‡; afterwards we were allied by Marriage;

* That is, by a Decree of the Senate, *Ligarius* had come into Africa in Quality of Lieutenant; for, though the Proconsuls chose Lieutenants for themselves, yet one of the Consuls always used to notify the Affair to the Senate, who determined as they thought proper.

† *Cicero* and *Tubero* were educated together in the City of Rome, and in the same School.

‡ The Words in the Original are *Militiæ Contubernales*, for the Understanding of which we must have Recourse to *Vegetius de Re Militari*, Lib. iid, Chap. 13. who tells us, That the Centurias were divided in such a Manner, that ten Soldiers quartered under one Pavilion or Tent, and had one set over them, who was called the Decanus, or the Caput Contubernii. This Circumstance gave Rise to very intimate Acquaintances among the Soldiers.

riage; and lastly, we were intimate through every Scene of Life. It was likewise a strong Tie between us, that both of us have always applied to the same Business. I therefore know that *Tu-bero* was inclined to remain at Home; but certain Gentlemen talked so much, and so strongly insisted on the Authority of the Republic, that, though he was of another Sentiment, yet he must have sunk beneath the very Weight of Words.

HE yielded to, or rather he obeyed, the Authority of a very great Man: He went along with those with whom he has embarked in the same Cause; he proceeded slowly in his Journey, and therefore arrived not at *Africa* till it was seized upon. This is the very Source of the Charge, or rather of the Resentment, against *Ligarius*; for, if it is a Crime to shew an Inclination to hinder him from entering into *Africa*, it is equally heinous in you to endeavour to hinder one, and keep the Government of that Country; (that Strength of all our Provinces, that hereditary Enemy to *Rome*) as in another Person to chuse to govern it himself. And yet *Ligarius* was not that other Person.

Varus

Soldiers. *Cicero* and *Tu-bero* had been *Contubernales*, or Tent-follows, in the *Marfic* War, which is likewise called the *Italic*, and the Social War. In that War *Cicero* was in the Army of *Cneius Pompeius Strabo*, the Consul, as he himself tells us in his 12th *Philippic*.

Varus insisted upon his being in Possession of the Government, he certainly was of its Badges. But however this may be, what *Tubero* can your Complaint avail? *We were not*, say you, *admitted into the Province*. What if you had! Would you have delivered it up to *Cæsar*, or have held it against him?

MARK, O *Cæsar*! what Freedom, or rather what Presumption your Indulgence gives us. If *Tubero* shall answer that his Father would have delivered up to you the Province of *Africa*, to which the Senate and his own Fortune had sent him; I will, without any Hesitation *, reprove his Conduct in the severest Terms, even before you, however serviceable it might have been to your Interest; for, tho' you might have liked, yet you could never have approved of such a Step. But I wave all this, not so much for fear of shocking your amazing Patience, as lest *Tubero* should seem to be inclined to attempt what he never designed. You were coming then into the Province of *Africa*, that Province the most exasperated of all others at *Cæsar*'s Success. Within this Province
there

* I have elsewhere observed this honest Freedom was perhaps the most proper Method of winning a great Mind, such as was that of *Cæsar*. Our Author knew what a penetrating Genius that great Man had, and that Dissimulation and Truckling were very improper for gaining his Favour; he therefore chose to speak in plain Terms, yet such as might convey a fine Compliment upon *Cæsar*'s Person.

there was then a very powerful Prince, the Enemy of this Party; different Principles prevailed, and strong and mighty Alliances were formed: Give me Leave to ask, what you intended to have done? I cannot doubt of what you would have done, when I saw what you afterwards did; you were debarred from setting your Foot in that Province; and debarred, as you give out, by the greatest Injustice.

How did you bear this? Before whom did you bring your Complaints, for the Injuries you received? Why before the Man whose Authority swayed you; and therefore whose Party you afterwards joined in the Field. But if you had come to that Province in order to serve *Cæsar*; as soon as you was shut out of it, you would have repaired to him; but you repaired to *Pompey*. With what Consistency then can you complain to *Cæsar*, when you accuse the Man whom you complain of, the Man who prevented your making War upon *Cæsar*? And here I give you Leave to boast, even though it is a Falshood, that you designed to have delivered up the Province to *Cæsar*, but happened to be prevented by *Varus* and some others. But I will confess, that the Disappointment was owing to *Ligarius*, who deprived you of an Opportunity of so much Glory.

BUT

BUT I intreat you, *Caius Cæsar*, to mark the Constancy of the most accomplished *Lucius Tubero*; a Virtue, which tho' I very much approve of, yet would I not have ventured to have mentioned, were it not a Virtue which I know from all others used to be distinguished by your Recommendation. Did ever Man then give such a Proof of Constancy? Constancy did I call it, I know not if I ought not rather to say *Perseverance*. Does it ever happen in a civil Difference, that any Man who is not admitted into a Party, nay, who is expelled with Marks of Cruelty, again applies to the same Party? Great is the Character of that Soul, and that Man, whom no Affront, no Power, no Danger can drive from the Interest he has once espoused, and the Principles he has once embraced.

ADMITTING what was by no Means the Case *, that in every other Respect, as to Dignity, Quality, Figure, and Parts, *Tubero* was but upon an equal Footing with *Varus*; surely *Tubero* had this Advantage, that he came into his own Province, with lawful Powers, in Virtue
Y of

* I have often wished that it were possible to hear the opposite Party, while I read an Oration of *Cicero*. There is somewhat so strong in this *Argumentum ad Hominem*, which he has laid out, and at the same Time the Part which *Tubero* acted, must have been so ridiculous and inconsistent, that one is tempted to believe there must have been some Circumstances on the other Side, which have justified their Proceeding, though they have not come to our Knowledge.

of the Senate's Decree. When he met with a Repulse here, he did not repair to *Cæsar*, lest he should appear resentful; not Home, lest he should seem slothful; not to a foreign Country, lest he should be thought to condemn the Party he espoused; but into *Pompey's* Camp in *Macedonia*, and into that very Cause from which he had been injuriously thrown out.

BUT now, when that made no Impression * on the Mind of *Pompey*, your Zeal for the Service was very much cooled. You were only employed in Garrisons; but you had an utter Averſion to the Party: Or, was the Case with you as it commonly is in Civil Wars, nor more with you than others; were you still possessed of the Hopes of conquering? My Voice indeed was still for Peace, but then it was too late; for it must have been Madness to have thought of Peace when one saw the Battle set in Array. We all, I say, wished to conquer, but you especially; for you came to that Camp either to die or to conquer; though, as Things have happened, I do not doubt but that you prefer your being safe here, to your being victorious there.

I would not, *Tubero*, insist on these Facts, did I think that either you repented of your Constancy, or *Cæsar* of his Clemency. Now I ask you,

* *Cicero* here answers for *Tubero*, who, he supposes, will make an Apology for his Conduct.

you, whether you carry on this Prosecution to redress your own or your Country's Wrongs? If your Country's, how can you account for your obstinate Adherence to that Party? If your own, take Care that you do not mistake, in imagining that *Cæsar* will retain a Resentment against your Enemies, after he has pardoned *his own*. Do you imagine that my sole Aim here is to plead then, *Cæsar*, the Cause of *Ligarius*, or speak of what *he* has done? I desire that all I have said, should be understood to relate to the single Point, either of your Humanity, your Clemency, or your Pity.

CÆSAR, I have pleaded many Causes, even with you, while your Progress in Honours led you to the Practice of the *Forum* *; but never sure in this Manner: *Pardon him, my good Lords, he has done amiss; he has slipped; he did not think: If he shall ever do so any more!* This is the Way of Pleading indeed, when one speaks to a Father; but to the Judges, *He did not do, he did not intend to do it; the Evidence is false; the Crime is forged.* Pronounce, *Cæsar*, thyself to be the Judge of the Action charged upon *Ligarius*; enquire what Town he assisted in holding out. I say nothing; nor will I suggest

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what

* The Roman Magistrates were obliged, before they entered upon their Offices, to go through a painful Discipline in the *Forum*; in pleading Causes, in order to gain Clients to their Interests: *Cæsar* practised in this Manner, from the 21st to the 39th Year of his Age.

what perhaps would amount to a legal Proof before any Judge. *He went out as Lieutenant before the War; he was left to govern in a Time of Peace; he was overpowered in Time of War; in that, he was no keen Enemy; his Mind and Inclination being still with you.* This might be my Language before a Judge; but I now plead before a Father: *I have done amiss; I have acted rashly; I am sorry for it; I throw myself upon your Clemency; I beg pardon for my Offence; I intreat you to forgive it: If Forgiveness is with you unprecedented, I act with Arrogance; but if Instances of it are frequent, as you inspire me with Hope, so blefs me with Relief.* Shall *Ligarius* have no Reason to hope for himself, while I have room to intercede with you for another? Yet my Hopes of Success in this Cause, neither rest in this Speech, nor in the Application of your Friends in favour of *Ligarius*.

FOR I have seen *, and I know what you regard, when Applications are made by many different Persons, in favour of one, that the Motives of their Application give you more Delight than their Looks; nor do you reflect how much the Person who applies is your Friend; but how much he is the Friend of him for whom he intercedes. Therefore, so extensive is your Liberality to your own, that they who share

* All this Paragraph is so perplexed in the Original, and the Reading so uncertain, that I cannot be sure if I have hit upon the Meaning.

share it sometimes appear more happy to me than yourself who dispense it. But, as I said before, the Motives of Supplicants prevail more with you than their Intreaties; and you are most affected by those whose Sorrow in their Application you perceive to be best grounded.

IN saving *Quintus Ligarius*, you will do indeed an agreeable thing to many of your own Friends. But reflect, as you usually do, upon one Thing; I can produce to your View, the brave *Sabines* approved by you, the Flower of *Italy*, and the Strength of the State. You know them well; observe what Sorrow, what Sadness, sit upon them all; of *Titus Brocchus*, who I know possesses your Esteem; and of his Son, observe the Tears and the Dejection.

WHAT shall I say of his Brothers? Think not, *Cæsar*, that what we are now a-doing affects the Safety but of one; you are now to fix three *Ligarius's* in the City, or to root them out of it for ever. Welcomer will any Exile be to them, than their Native Country, than their Home, than their Family-Gods can be, if but this Brother is to live in Banishment. If they act in a brotherly, in a pious, in an affectionate Manner; let their Tears, let their Piety, let their fraternal Love move you: Make your Word good, that victorious Word, for we heard you say, we looked upon all as Enemies,
if

if they were not with us; but that you looked upon all, who were not against you, as your Friends. Must you not then own that all this splendid Appearance, all this Family of the *Brocchi*, this *Lucius Marcius*, this *Caius Cæsetius*, *Lucius Confidius*, and all these Roman Knights, who are present in mourning Apparel, whom you know, nay, whom you know to be Men of Worth, were your Friends? This we strongly resented; we demanded them, nay some of us threatened them. Preserve, therefore, their Friends, that this may be a shining Instance of that Veracity which has hitherto been found to attend all you say.

BUT if you could thoroughly perceive the Concord of the *Ligarii*, you would judge that you have had them all on your Side; therefore can there be any Doubt that if *Quintus Ligarius* could have been in *Italy*, he would have been in the same Way of Thinking with his Brothers? Who is not sensible, that the Sentiments of that well-matched Brotherhood, breathe an almost unison Harmony? Who does not know that any thing may happen sooner than that these Brothers should be divided in their Sentiments or their Fortunes? The Hearts of them all therefore were with you. One was severed from you by a Storm; and even though the Separation had been effected by his own Design; yet still would he be on the same Footing with those whom you have since preserved.

BUT,

BUT, admitting that he took up Arms, that he severed himself not from you only, but from his Brethren; yet still these who implore you are your Friends. As, indeed, I have taken a Concern in all that concerns you, I well remember, how *Titus Ligarius*, when Quæstor of the City, behaved with regard to your Person and Dignity. But needless is it for me to call this to mind; I hope that you, who use to forget nothing but Injuries, will, agreeable to your Sentiments and Nature, that you will, I say, upon recollecting, remember somewhat of his Conduct as a Quæstor; especially when you call to mind that of some others in the same Office.

THE same *Titus Ligarius*, who at that Time acted only to give you an Opinion of his Zeal and Probity, (for this he could not foresee,) from you now implores the Pardon of his Brother: Which when, as a Reward of his Services, you shall grant to both the Supplicants, you will then restore three Brethren of the greatest Worth and Integrity, not to one another only, not only to that considerable numerous Body, and to us his intimate Friends, but to the Service of his Country.

THE same Part therefore you lately acted by *Marcus Marcellus* in the *Senate-House*, act here
in

CICERO'S ORATION, &c.

in the *Forum*, by these Brothers, of so great Worth, and in such Esteem with this numerous Assembly. As you gave *Marcellus* to the Senate, give *Ligarius* to the People; whose Affections you have ever held in the highest Regard; and if that Day for you was glorious, so to the People of *Rome* it was delightful. Do not, I beseech you *Cæsar*, hesitate to court, as oft as you can, every such Opportunity; nothing is so popular as Goodness, and none of your many Virtues begets either greater Admiration or Love than your Pity.

For in nothing does Mankind approach so near the Gods, as by giving Safety to Men: In your Fortune, there is nothing more exalted than that you have the Power, in your Nature there is nothing more amiable than that you have the Inclination, to preserve Numbers. This Cause may perhaps require a longer, but your Dispositions, I am certain, a shorter Speech than this. Therefore, as I think that my Speech, that no Man's Speech, can be near so prevailing as the Language of your own Heart; I will here break off, after putting you in Mind, that by preserving the Man who is absent, you preserve all who are present.

8 FEB 2
End of the FIRST VOLUME.

